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No. 37

4 JUNE 1973

Governmental Affairs

25X1A

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CONFIDENTIAL

Governmental Affairs

NEW YORK TIMES
19 May 1973

Archibald Cox Appointed Prosecutor for Watergate

By ANTHONY RIPLEY
Special to The New York Times

WASHINGTON, May 18—1961 appointed him Solicitor General, a post that involves arguing the Government's positions before the United States Supreme Court.

Mr. Richardson today chose Archibald Cox, Solicitor General in the Kennedy and Johnson Administrations, as the special prosecutor in the Watergate investigation.

In Cambridge, Mass., where he is a professor at the Harvard Law School, Mr. Cox said he had accepted the position.

Mr. Richardson, the Attorney General-designate, said he had notified both Congress and the White House after the appointment had been made. He said he had not consulted the White House prior to naming Mr. Cox.

He said he would go before the Senate Judiciary Committee at 10:30 A.M. Monday with Mr. Cox and that the appointment would be subject to confirmation by the Senate.

Under the guidelines for the job that were made public yesterday by Mr. Richardson, Mr. Cox will be able to choose his own staff or use the present prosecutors now handling the investigation or any mixture of the two he chooses. He will also be able to call on the Federal Bureau of Investigation or any other resources in the Justice Department for help, Mr. Richardson said.

Mr. Richardson told a news conference at the Pentagon, where he now serves as Defense Secretary, that he planned further modification of the guidelines in line with recommendations he has received from the Senate.

Asked about his control over the investigation, he said he would have none "for all practical day-to-day purposes."

He said he would make no attempt to keep in touch with the special prosecutor.

"He will determine to what extent he will keep me informed," Mr. Richardson said, adding that Mr. Cox would set up the "occasions on which to consult me."

He said he had made the arrangement as a "verbal understanding" during telephone calls with Mr. Cox and planned to add it as part of the formal guidelines.

Mr. Cox, 61 years old, practiced law only three years in Boston before joining the office of the Solicitor General. He then became associate solicitor at the Department of Labor before joining Harvard Law School as a lecturer in 1945. President Kennedy in

1961 appointed him Solicitor General, a post that involves arguing the Government's positions before the United States Supreme Court.

In making his announcement, Mr. Richardson said:

"Mr. Cox is prepared to assume the duties of special prosecutor as soon as his suitability for the position has been reviewed and affirmed by the United States Senate. I have sent his résumé forward to the chairman of the Senate Committee on the Judiciary with a request for an early public hearing."

He added that he was "deeply gratified" that Mr. Cox had accepted the job and called him "a leading legal authority and a lawyer of courage, independence and integrity."

'Maximum Assurance'

There is no legal necessity for the appointment to be approved by the Senate. Mr. Richardson decided to ask for approval "to provide the maximum possible assurance to the public that truth and justice will be properly, thoroughly and effectively pursued," he said in a letter yesterday to Senator Adlai E. Stevenson 3d, Democrat of Illinois.

In his announcement, Mr. Richardson spoke of Mr. Cox as "a leading authority and a lawyer of courage, independence and integrity."

He added: "Mr. Cox has had considerable experience in the resolution of labor disputes and in handling other potentially explosive and difficult situations. It is his intention to name as soon as possible, as his principal deputy, a lawyer with extensive experience in litigation."

He told reporters that Professor Cox had a "well established reputation for fairness" and that his ties to the Democratic party "would be reassuring."

Senator Edward M. Kennedy, Democrat of Massachusetts, said of the Cox appointment in a statement issued by his office:

"Time and time again he has proven himself a man of brilliance, judgment and sensitivity."

"I know how much President Kennedy valued Professor Cox's distinguished service as Solicitor General and the high regard in which he was held by all his colleagues at the Justice Department."

The assistant Democratic leader in the Senate, Robert C. Byrd of West Virginia, said: "My initial reaction is favorable, but I want to see what is going on."

see how he interprets the guidelines."

Their reactions reflected the general picture among Democrats on the Judiciary committee.

One committee staff man said everyone would be able to rely on Mr. Cox's "good faith and gentlemanly conduct."

"Cox will be one of the guarantors of any understanding we reach with Richardson on the investigation, but first we have to reach that understanding," he said.

At the Justice Department, the assistant United States attorneys handling the case declined to comment on the appointment.

Henry E. Petersen, Assistant Attorney General in charge of the Criminal Division, was out of town and unavailable for comment.

However, he told friends he feels very badly about the idea of an outside prosecutor. He has said it reflected badly on the Department of Justice and himself personally. Mr. Petersen has been in charge of the Watergate investigation.

Ultimate Authority

Mr. Richardson has maintained throughout the hearings on his confirmation as Attorney General, and in letters and talks with friends, that ultimate authority should remain within the Department of Justice in the Watergate investigation.

To remove the job completely from Justice would only delay matters, calling for new legislation and the total organization of an outside agency, he has said.

"This period of uncertainty and delay would disrupt the Federal investigative effort and seriously impede the prompt prosecution of those believed guilty of a Federal crime," he wrote yesterday to a long-time friend.

Under the present laws, Mr. Richardson said today, he is charged with the appointment of the special prosecutor, the provision of backup services and desired personnel, the ultimate power to remove the special prosecutor and the legal authority to delegate powers to him to pursue criminal investigations.

The only light moment in the news conference came when a reporter asked if Mr. Cox were related to Edward Finch Cox, the President's son-in-law.

The room broke out with

laughter and Mr. Richardson said, "I didn't ask him, come to think of it."

To 'Restore Confidence'

By ROBERT REINHOLD

CAMBRIDGE, Mass., May 18—Archibald Cox declared today that he considered that his main task as special Watergate prosecutor was to "restore confidence in the honor, integrity, and decency of government."

At a news conference at Harvard University, Mr. Cox stated emphatically that he expected to have complete independence in the inquiry.

"I have not the slightest doubt I will be independent," he said.

He said he had been consulted at length, beginning Wednesday, by Mr. Richardson, in the preparation of the guidelines issued yesterday. "I am satisfied the guidelines, as last presented by Secretary Richardson, will allow for ample independence," he said.

Smiling broadly and dressed in his usual conservative gray suit and bow tie, the crew-cut former Solicitor General answered questions readily but firmly avoided touching on the substance of the Watergate scandal.

'Clearly a Challenge'

Asked why he had accepted the post when others had spurned it, Professor Cox said it was "clearly a challenge," adding that he also felt a responsibility to strengthen the system.

"You do what you can do," he said.

He rejected firmly any suggestion that he had accepted as a favor to Mr. Richardson, whom he taught at the Harvard Law School many years ago.

"I have accepted the post, if the Senate approves, not without an awed sense of responsibility," he said. "The tasks are of enormous importance and enormous difficulty and enormous magnitude."

He was asked if the "full authority" specified in the guidelines gave him "final" word on the inquiry. Mr. Cox fingered a copy of the guidelines clipped from this morning's New York Times and said, "I don't see any difference between full and final."

Mr. Cox said he was a registered voter for President Nixon last year.

If accepted by the Senate, he will take a leave of absence from Harvard.

NEW YORK TIMES
24 May 1973

NEW YORK TIMES
22 May 1973

WALTERS, HELMS GIVE THEIR VIEWS

By MARJORIE HUNTER

Special to The New York Times

WASHINGTON, May 23—Key officials of the Central Intelligence Agency say that President Nixon apparently made no effort to inquire directly if the Watergate break-in involved covert C.I.A. operations. Lieut. Gen. Vernon A. Walters, deputy director of the agency at the time of the break-in, told a Senate subcommittee today that the President had not asked him if the agency was involved in the Watergate.

Richard Helms, director of the agency at the time of the Watergate break-in last June 17, also told a Senate committee earlier this week that he had no conversation with Mr. Nixon during that period.

President Nixon, in his statement issued yesterday, said that within a few days after the break-in, "I was advised that there was a possibility of C.I.A. involvement in some way."

Adviser Not Identified

The President's statement then continued:

"It did seem to me possible that, because of the involvement of former C. I. A. personnel, and because of some of their apparent associations, the investigation could lead to the uncovering of covert C.I.A. operations totally unrelated to the Watergate break-in."

In his statement, the President did not say who had "advised" him of the possibility of C.I.A. involvement.

General Walters's comments on not having been asked by the President about the agency's involvement came in answer to a question posed during his appearance today before a Senate Appropriations subcommittee headed by Senator John L. McClellan, Democrat of Arkansas.

"The general told us that the President did not talk to him about possible C.I.A. involvement," the Senator said later. "He did tell us, however, that the President had called him about another matter shortly after his return from Moscow, but it had nothing to do with Watergate."

Mr. Nixon visited Moscow in May of last year several weeks before the Watergate break-in.

Earlier Testimony Recalled

General Walters, in a number of other appearances before Congressional committees in the last two weeks, detailed alleged efforts by three top White House aides — H. R. Haldeman, John D. Ehrlichman and John W. Dean 3d — to involve the C.I.A. in covering up the Watergate affair.

Both the general and Mr. Helms said that the White House overtures had been rejected.

General Walters was named deputy C.I.A. director by Mr.

By DAVID E. ROSENBAUM

Special to The New York Times

WASHINGTON, May 21—

When Richard McGarrah Helms presented his credentials as Ambassador to Iran to the Shah last month, the official press in neighboring and not particularly friendly Iraq described Mr. Helms as an "ugly American." To an outsider—one who had seen

Mr. Helms's biography but did not know him personally—that appellation might have seemed apt.

He was a professional spy for most of his adult life and the Director of Central Intelligence in the United States for the last seven years before he became an ambassador.

In fact, he was a high official in the Central Intelligence Agency in 1953 when the agency engineered the overthrow of the Communist-oriented regime then in power in Iran and the return of the Shah to the throne.

But to those who know Mr. Helms, the description of him by the press in Iraq could not have been further from the truth.

Physically, the 60-year-old envoy is slim and dark-complexioned, with graying hair that is just beginning to recede. He keeps himself in outstanding condition, and, if it were not for a slightly jutting lower lip, he would be strikingly handsome.

Personally, he is friendly, gregarious and sensitive to the feelings of others. Women, young and old, find him a charming dinner partner and a smooth dancer. "He's interesting—and interested in what you're saying," says a woman who sees him often at social occasions. "He's well-read and doesn't try to substitute flirting for conversation."

Professionally, he worked diligently to improve the public image of the C.I.A., worried about allegations that the agency was overstepping the boundaries of morality and managed to maintain a reputation as a speaker of facts, while avoiding the political fights that often emerged around them.

Throughout his long career at the C.I.A., Mr. Helms was

Nixon late last spring. He had served as official interpreter on foreign trips made by Mr. Nixon as Vice President in the nineteen fifties.

According to the general's earlier testimony, efforts of the three White House aides to involve the C.I.A. in the Watergate cover-up had centered on him, not on his superior, Mr. Helms.

He told of being called to the White House, along with Mr. Helms, six days after the

highly regarded in Congress. And it was significant that today, at the conclusion of his testimony before the Senate Foreign Relations Committee about the agency's involvement in the Watergate scandal, he was warmly praised by several of the Senators.

Stuart Symington, the Missouri Democrat who has encountered Mr. Helms dozens of times across the witness table at Senate hearings and has been with him countless other times at private meetings, dinner parties and family outings, told Mr. Helms today that he had "great faith" in the Ambassador's ability and integrity.

Richard Helms (he prefers not to use his middle name or initial) was born to a family of means in St. Davids, Pa., on March 30, 1913. His father was an Alcoa executive and his maternal grandfather, Gates McGarrah, was a leading international banker. He was reared in South Orange, N. J., and spent two high school years in Switzerland, where he learned French and German fluently, a fact that was to be a guiding factor in his career.

At Williams College, from which he graduated in 1935, Mr. Helms was clearly the outstanding member of his class—a member of Phi Beta Kappa, class president, editor of the newspaper and yearbook and president of the senior honor society. He was voted by his classmates the member of the class most likely to succeed, the one who was most respected, the one who had done most for the college, the best politician, the second most versatile and the third most popular.

A man who was at Williams with Mr. Helms recalls that "he had a warm smile and a manner that was somehow princely without a trace of intellectual or social superciliousness."

From Williams, Mr. Helms went to Europe as a reporter for United Press and won a brief glimpse of reporter's glory when he had an exclusive interview with Hitler. But his personal and financial situation—he wanted to get married and believed he had to earn more money to raise a family—brought him back to the United States. In 1937, he became national advertising manager for The Indianapolis Times.

Watergate break-in and told by Mr. Haldeman and Mr. Ehrlichman that the "Watergate incident was causing trouble and was being exploited by the opposition."

General Walters testified that he had been told that "it had been decided at the White House" that he go to L. Patrick Gray 3d, then acting director of the Federal Bureau of Investigation, to try to persuade him to halt an F.B.I. investigation

World War II ended Mr. Helms's newspaper career. Having joined the Naval Reserve, he was assigned, principally because of his linguistic talents, to the Office of Strategic Services. He stayed in intelligence after the war, with the Joint Strategic Services of the War Department, which gave way in 1946 to the Central Intelligence Agency.

From 1946 to 1966, he served as Deputy and Assistant Director of Central Intelligence, and in 1966 he became the first career official to head the C.I.A.

Mr. Helms's first marriage, to the former Julia Shields of Indianapolis, ended in divorce in 1968 after a long separation. His son by that marriage, Dennis, is a lawyer.

Mr. Helms is now married to the former Cynthia McKelvie, an English-born redhead with four grown children from a previous marriage. Both Mr. Helms and his wife are fond of tennis, playing regularly when they are in Washington. In the evenings, they often read out loud to each other, getting special amusement from spy stories, according to Mrs. Helms.

There are many rumors, none of them confirmed as accurate, about the reasons for Mr. Helms's departure as Director of Central Intelligence at the beginning of this year.

Some Reasons Given

One is that Mr. Helms had always insisted on others retiring from the agency at age 60 and that it was thus incumbent upon him to do so. Another is that Henry A. Kissinger, President Nixon's national security adviser, was dissatisfied with Mr. Helms's direction of intelligence operations, a rumor that Mr. Kissinger has vigorously and publicly denied.

In the last week, another oped with disclosures that Mr. Helms refused to cooperate with H. R. Haldeman and other White House officials in various domestic operations.

When the Foreign Relations Committee asked Mr. Helms today if that was why he was removed from the C.I.A. and sent to Iran, he responded, "I do not know."

of Nixon campaign funds "laundered" through a Mexico City bank.

A "memorandum of conversation" written by General Walters following that meeting—and disclosed earlier this week by Congressional sources—said that at one point Mr. Haldeman had turned to the general and said, "It is the President's wish that you go to see Mr. Gray."

While not denying that he wrote that memorandum to

BALTIMORE SUN
23 May 1973

'When the Chief of Staff Speaks...'

himself shortly after that meeting on June 23, General Walters indicated in testimony to several Congressional committees this week that he was not sure Mr. Haldeman made any such statement invoking the President's name.

Mr. Helms, questioned earlier this week by the Senate Foreign Relations Committee, said that he did not recall hearing the President's name mentioned during that White House meeting.

However, Mr. Helms said that it did "strike me as odd" that Mr. Haldeman had passed over him by requesting his deputy, General Walters, to confer with Mr. Gray about halting the F.B.I. inquiry.

Mr. Helms further testified that he said at that meeting that he did not believe any C.I.A. interests would be jeopardized by continuation of the F.B.I. investigation.

Mr. Helms was relieved as director of the C.I.A. last November and named Ambassador to Iran.

General Walters, in earlier testimony, also told of being asked by Mr. Dean to provide a "cover" for the Watergate defendants by placing them on the payroll and paying their bail. He said that he had rejected that, too.

Meanwhile, James R. Schlesinger, now director of the C.I.A., said today that President Nixon had never talked to him about any effort to involve the agency in the Watergate case.

Mr. Schlesinger, who was nominated recently by Mr. Nixon to be Secretary of Defense, also denied today that he had ever been asked to testify falsely that James W. McCord Jr., a defendant in the Watergate break-in case, had been returned to the C.I.A. payroll to conduct the burglary.

NEW YORK TIMES
27 May 1973

Senator Says C.I.A. Budget Is Under Billion for Year

LAMOURE, N. D., May 26 (AP) — A member of the Senate watchdog committee for the nation's spy agencies said last night that the budget for the Central Intelligence Agency was less than \$1-billion a year.

Senator Milton R. Young, Republican of North Dakota, said in an interview that the overall annual budget for the three top American intelligence agencies—the C.I.A., the Defense Intelligence Agency and the National Security Agency—was about \$3-billion and that the C.I.A. received the "smallest portion of that figure."

The \$3-billion figure is about half the estimate used by some critics of the Defense Department and its related agencies. They estimated as recently as a month ago that the three big spy agencies consume \$6-billion a year.

We have not yet got to the core of the mess collectively called Watergate, and with so much more obviously to come it may be too soon to try to identify the core, the very center. Even so, we are getting closer. Consider in particular a response offered to a question from a senator by Richard M. Helms, former director of the Central Intelligence Agency, whose efforts to preserve the integrity of the CIA have on the evidence so far been exemplary.

"Sir," said Mr. Helms, "when the President's chief of staff speaks to you—you assume he is speaking with authority."

This is an assumption that has obviously been made by person after person in the Watergate and related matters; and given Mr. Nixon's method of managing the White House it cannot be called anything but a fair and reasonable assumption. As all White House and most other organizational structures must be in some degree, Mr. Nixon's is a chain of command. The difficulty may well be that

in this case the military analogy has been carried to a point of rigidity—as has often happened with actual military organizations—where the form itself almost takes over, and nobody is actually, knowledgeably in charge. This, we grant, could be kinder to Mr. Nixon than later disclosures may show.

Or to put it another way, as Vice President Agnew does, the executive under Mr. Nixon has been a "mountain peak structure, simply from the standpoint that it inserts too many people and too many staffs in between the decision-maker and the information from people who are assembling it." It comes to much the same thing, with Mr. Agnew's analogy perhaps more apt since he speaks from his own experience as governor of a state; and may in part explain some of what has happened. None of this, however, will serve to answer in the present instance the question of fundamental fault and ultimate responsibility.

WASHINGTON POST
27 May 1973

The Gallup Poll

Watergate Is Felt Abroad

By George Gallup

PARIS—The Watergate affair, which has dominated the news in America, has been given front-page coverage almost daily in the other nations of the world.

The word "Watergate" has become not only a household word in the United States, it has entered the language of other nations as far distant as Finland and Australia and Uruguay.

Reaction of these people, as reported by the directors of 24 Gallup-affiliated survey organizations in conference in France, falls into two broad categories. The first is the belief that Watergate will severely reduce President Nixon's effectiveness in foreign policy matters and put a new strain on political and economic relations between the United States and other nations.

In the second category, respect for the climate of open inquiry in the United States which permits the press to probe extensively in the higher councils of government with impunity is cited.

Typical of the comments falling into the first category is the statement of the director of a survey institute in a major European country. Commenting on the views of his countrymen, he said: "Before Nixon can be persuasive in asking Europe to make concessions to his

have to put his own house in order."

These public opinion experts regularly survey their respective countries on attitudes toward the Nixon administration.

Each public opinion expert reports broad daily coverage of the Watergate affair in his nation, even crowding out national news. Editorial positions range from the view Watergate is part of a widespread system of governmental espionage and intrigue to the view the Watergate activities are a natural consequence of the American political system.

While the Watergate affair is creating an uneasy feeling among citizens abroad concerning the impact on U.S. foreign policy, there is little evidence of a rise in anti-Americanism.

By and large, there appears to be little gloating among the informed citizenry of the nations reported on. In fact, people in some countries, according to the reports, have come to expect scandals in government and are not particularly exercised by the situation in the United States.

According to these reports, there is even a feeling of sympathy for the American people who must add still a new problem to the many others which they have faced during the last decade.

ports that President Nixon's prestige—at a high point after the Vietnam peace settlement in January—has suffered, whether or not he is seen as directly involved in the Watergate affair. In the case of people in some nations, Watergate has confirmed the feeling that President Nixon cannot be trusted.

Others, however, feel that President Nixon is the victim of circumstances and that Watergate is the kind of situation that can develop when a nation has a free-wheeling political system which places few restrictions on candidates seeking office, including the amount of money which can be spent on campaigns.

Criticism among informed citizenry abroad centers not so much on the actual bugging incident, which is viewed as foolish and naive, but on what is believed to be attempts to cover up the situation.

Reports of public opinion Watergate were presented at the Gallup International Conference by public opinion experts representing Australia, Austria, Canada, Brazil, Denmark, Finland, France, Great Britain, Greece, India, Italy, Israel, Japan, the Netherlands, Norway, the Philippines, Portugal, Puerto Rico, Spain, Sweden, Switzerland, Taiwan, West Germany and

Sunday, May 20, 1973

THE WASHINGTON POST

The (Really) Quiet American

Richard McGarrah Helms

By Trudi McC. Osborne

The author, a former Associated Press writer, is currently a Washington-based freelancer.

AT THE CLOSE of Orson Welles' landmark movie "Citizen Kane," a single word gives insight into the unfathomable character of the dying protagonist as he breathes the name of the sled he owned in boyhood: "Rosebud."

Nine more words are needed to illuminate the drives of an equally inscrutable man, Richard McGarrah Helms, U.S. ambassador to Iran and until recently head of the Central Intelligence Agency and "board chairman" of the United States' entire intelligence community. His "Rosebud" once emerged in his light response to the question of what made him tick: "I want to live in the house on the hill."

"Of course Dick Helms is ambitious," says John Maury, his former deputy for congressional affairs. "You wouldn't get to the top of this heap without ambition."

"Dick ambitious? Totally!" affirms his first wife, Julia Shields Helms.

Now, there is nothing wrong with ambition: Without it the world would be leaderless. Its significance here is that it is the only adhesive that binds together the apparent conflicts in the nature and career of one of the country's most contradictory, most charming, at one time most valuable and still least known public men—and, unlike his counterpart in British Intelligence, Helms as head of U.S. Intelligence was a public man. Indeed, just last week he was in the public eye again, testifying before a Senate subcommittee on apparent White House efforts to involve the CIA in domestic political espionage.

Despite all of his public appearances, though, it has sometimes seemed that his personality and his detailed personal history have been the CIA's most closely held secret. Helms kept a profile so low—a phrase he often uses—as to be nearly submerged, pretending that he did not grant interviews, although he did to journalists of paramount reputation. From the time he became head of the CIA until April of 1971, when he broke cover by addressing the American Society of Newspaper Editors, he had not made a single speech open to journalistic coverage. He has called publicity "intoxicating," and told the congressional committee that unanimously approved his nomination as chief of the "silent service" that he thought silence should begin with him. That was in 1966, and by then ambition had carried Dick Helms a long way.

Down, Back and Up

AT AGE 24, its yeast had led him to take an otherwise incomprehen-

sible step downward and backward, and away from excitement in his already enviable journalistic career. As with all his ventures, the decision seemed to be paying off handsomely when World War II came along. That was the watershed in his life and the point at which the contradictions in his nature became visible. To understand them, it is necessary to look at the youth who was graduated from Williams College, in the Little Ivy League, in 1935.

Not only was he Phi Beta Kappa, president of his class, president of the senior honor society, editor of the newspaper and editor of the yearbook, but he was voted the third most brilliant man in his class, third most popular, second most versatile, the one who had done most for the college and best exemplified its traditions, the best politician, the most respected and most likely to succeed. His stated goal: to run his own newspaper.

As U. S. intelligence chief, Dick Helms ran what is said to be the most expensive newspaper with the smallest circulation in the world, the President's daily top-secret intelligence report. It is the intelligence community's "quintessential end product, the final distillation" of the expenditure of \$6.2 billion, the annual total intelligence budget, according to Wisconsin's Senator William Proxmire.

This form of journalism was not, however, what the outgoing young Helms had in mind when he left Williamstown, so plainly destined for a life of prominence and visibility. That same year—by paying his own way to Europe and with some entree provided by W. W. Hawkins, an executive of the Scripps-Howard newspaper chain and the affiliated United Press—Dick Helms landed a job with the UP in London, then went on to Berlin.

There, the foreign press corps and members of the Western diplomatic establishments made a congenial group. If they had not been congenial by inclination they would have become so by necessity.

"We didn't exactly have free social circulation," one of them recalled recently. "You have to remember that Hitler, in his June 30, 1934, proclamation, had declared that any Germans consorting with foreign correspondents and embassy personnel could be presumed to be doing it for 'treasonable reasons.'"

In 1936 Berlin, Helms—fluent in French and German—began making his mark. He interviewed, among others, ice-skating star Sonja Henie and Adolf Hitler. He worked and partied and enjoyed the excitement of time and place; and suddenly, in the fall of 1937, he tossed it all aside to go back to Depression-ridden America, to Indianapolis. He had no ties there, and he went to the

most menial of advertising jobs on the old Scripps-Howard paper, The Indianapolis Times—now defunct—in a dingy office on Maryland Street. "He was selling chicken advertising . . . a few lines of classified . . . small stuff . . ."

The Unknown Midwest

DICK HELMS HAD been no stranger to Europe, where he first had chosen to work, but he was a stranger to the American Middle West. Born in Pennsylvania in 1913 and educated at Carteret Academy in Orange, N.J., he had moved to Europe in his teens when his father—an engineer and Alcoa executive who retired early—got an assignment on the Continent. Dick attended the posh Le Rosey School (alma mater of the Shah of Persia) in Rolle/Gstaad, Switzerland, and the Realgymnasium of Freiburg/Breisgau in Germany, came back to America for college and, after graduation, returned to Europe.

If Helms' downward step puzzled his Indianapolis Times colleagues, it caused no stir that can now be recalled among his colleagues in Berlin. One, fond of the popular young Helms, had failed even to find the step extreme until questioned about it 33 years later: "Why, I suppose he wanted to learn advertising, the whole newspaper business." Extreme or not, in Indianapolis Dick Helms once again began fashioning his usual pattern of success: He joined the Literary Club and, on the basis of his interview with Hitler, he lectured ladies' clubs. Despite his capitalizing on it then, in recent years Helms' recollection of the circumstances of that interview became notably deficient. In the very spare fact sheet that the CIA releases on his career, the exploit is referred to with pride: "Mr. Helms interviewed Hitler, and his story 'Hitler and Mars Inc.' was published in The Indianapolis Times."

Although Helms never claimed that it was an exclusive interview, the impression persisted and persists that it was. Reporters who asked about it, after he became CIA chief, met with evasion. Two correspondents in Berlin with Helms, when asked about it recently, expressed astonishment that anything so rare as an interview with Hitler could have escaped their attention. The fact that Hitler occasionally granted interviews to such distinguished journalists as Dorothy Thompson and Anne O'Hare McCormick was news in itself every time it happened. Actually, Helms' dispatch was the result of a group interview given to foreign correspondents covering the annual Nazi Party conclave at Nuremberg.

By 1939 Dick Helms was national advertising manager of The Indianapolis Times. In 1939 he married Julia Bretz-

man Shields, the divorced wife of an Indiana millionaire with two children of her own.

The First Helmses

IT IS IMPOSSIBLE to contemplate Richard Helms without contemplating his first wife, Julia: Their marriage lasted nearly 30 years, and they have a son, Dennis, now married and an attorney for the city of New York. Julia Helms is a highly talented and intelligent woman of exquisite taste who in her own estimation is "very intense and rather demanding." Realistic, good-looking still, at once tender and tough, rich, confident, without any phony side and better avoided as an antagonist, she has conducted art classes for aphasic youngsters at Children's Hospital in Washington, and she sculpts (and exhibits) with distinction, infusing stone with rare humor.

She met Dick Helms on the day of her divorce from Frank Shields, the Barbasol king. As Shields' wife she had presided over an estate (now a country club) in Martinsville, Indiana, where she raised and showed horses, traveled to Churchill Downs and Europe. She says she was a "showpiece" for her husband in that life, not even being permitted to see much of her children.

When her lawyer, an old friend, told her as they left the divorce court that there was a young man in Indianapolis he wanted her to meet, she replied, "Oh, no! Not out the frying pan and into the fire." Nevertheless, she met Helms at dinner that night.

She later said, "I thought Dick had the most potential of any person I had ever met." They married the following year. Both of the Helmses were Europe-oriented, Julia being second-generation American. Her father, a naturalized German sometimes referred to as the "Baehrach of Indianapolis," was a successful society photographer. Dick Helms was third-generation American. This may account for the fact that the "Bold Easterners"—a group of amateur spies, disproportionately freighted with old Grotonians in the World War II espionage agency, the Office of Strategic Services—never quite accepted him as one of their own, although his immediate background was little different from theirs. Those of the group who stayed in clandestine work came, however, to consider him a good bridge between themselves and the relatively plebeian "Prudent Professionals," as Stewart Alsop has called them.

Helms' maternal grandfather was Gates McGarran, a banker and important financial figure in New York who served from 1930 to 1933 in Basel, Switzerland, as president of the Bank for International Settlements, a precursor of the World Bank. Helms' paternal grandparents were German Lutheran immigrants. One of Dick's brothers, Rowland, was a grain merchant in Geneva, Switzerland; another, Gates, an executive of a New York printing firm; and a sister, Mrs. Clinton Van Hawn, married a physician in Cooperstown, New York. Richard was the eldest child of what appears to have been a happy

family.

Of the family finances while his father was alive, there are varying reports: One is that Herman Helms made a fortune in the stock market of the 1920s; another that he lost it there; still another is that there was McGarran money. A woman who knew the family in Europe described the Helmses as "comfortable," but said: "Money? Well, they certainly weren't plastered with it." Of their youth in America Gates Helms says, "It was all that South Orange implies: conventional upper-middle class, well educated, well traveled, interested in good schools and sports, and with a social life centering around the country club." To this day, country-club life is essential to Richard Helms.

Helms' Second Family

THREE MONTHS after Helms' divorce from Julia became final in September 1963, and a year and a half after they parted, Helms married for the second time—and for the second time he married a divorcee with children of her own: Cynthia Ratcliff McKelvie. The McKelvies and Helmses had been cordial friends, seeing a lot of each other. Dr. Allan McKelvie is an orthopedic surgeon. Red-haired, British-born Cynthia McKelvie Helms, 50, is good-looking but, as an acquaintance says, "no glamor girl."

In Washington, Richard and Cynthia Helms lived in a two-bedroom apartment in a high-rise building and, said Mrs. Helms while her husband still directed the CIA, they invariably returned to it, if they had been out, by 11:15, as Helms was apt to receive phone calls at any time of night and "He's got to be in a fit state to make a decision; it's always a crisis."

Into Clandestine Work

WITH THE APPROACH of World War II, the Indianapolis episode in Helms' life ended as abruptly as it began. He was commissioned lieutenant (jg) in the Navy in July 1942 and, 30 hours after his and Julia's son was born, left for naval training at Harvard. Julia followed, but says that for the next six years she hardly saw him. In the winter of 1942 he served in New York and helped to publicize the Navy Relief Society, hobnobbing with the important persons who sponsored its big social benefits and balls. In 1943 he was assigned to the OSS and performed desk jobs in New York and Washington before going to the European theater: England, France and, after the war, Germany. Following his initiation into clandestine work, Dick Helms never looked back.

At war's end, he remained, as a civilian, with the OSS's successor organizations: the Strategic Services Unit of the War Department and then the Central Intelligence Group. Upon its formation he moved naturally into the CIA. According to *Time* magazine, Helms' public record for the next five years is "a total blank," but colleagues say he was not phased out of the country. He surfaced in 1953 as deputy to Allen Dulles, and in 1954 as chief of the division, the "b" division on that han-

dles undercover operations. In 1962 he became deputy director for plans, in 1965 deputy director of the agency—it being generally understood that he would succeed Vice Admiral William Raborn as chief after a short period; and in 1966 Dick Helms fulfilled his college classmates' expectations of him by reaching the top, being named director of Central Intelligence and, concomitantly, chairman of the United States Intelligence Board, tandem posts exceeded in importance by few others in government.

He had, in his own phrase and in one of his rare self-directed comments, "worked his way up through the ranks," becoming the first intelligence professional to become intelligence chief. (By profession, Allen Dulles was a lawyer.) To the ranks this was as stimulating as the appointment of a career diplomat to the Court of St. James would be to members of the State Department.

It was the second time that the promotion of Richard Helms had rallied the morale of the intelligence agency: The previous time was when he was named chief of plans following the downgrading the CIA received as a result of the Bay of Pigs, a fiasco that Helms had opposed and from which he had disassociated himself.

Because 'It's Secret'?

THROUGHOUT HIS rise Helms was on the operations side of the CIA. There are indications that his wife Julia had little patience with what she later called "the James Bond stuff" and regretted Helms' turning away from journalism: "I'll buy you a paper," she had tossed out at one time. Over the years she tried to read the spy stories of which he was fond, but quit finally and in distaste by throwing into the wastebasket what is probably the best of the lot, John Le Carre's "The Spy Who Came in From the Cold." It was reported in *The New York Times* that Helms and his present wife read spy stories aloud to each other.

To those unaffected by it, the opiate of clandestine operations is as inexplicable as is the opiate of mountain climbing. A sampling of remarks aimed at explaining the lure of spying includes: "It was romantic, sexy and nobody got hurt except the bad guys..." "It exerted a romantic pull..." "It was doing something of responsibility with the attendant excitement of danger and reward and without being held to the narrow responsibility of a puritan life..." "You are a band of brothers." Stewart Alsop has said of his clandestine operations in France in World War II that "It was great fun, in some ways the most fun I've ever had in my life." Some men feel they are "an active arm of policy." All feel the exhilaration of playing for big stakes.

Not all intelligence work seems so: Kenneth Downs, a Washington publicist and a onetime OSS officer, says: "Nine-tenths of the work is reading foreign-language papers and journals in Washington. The other tenth is espionage. It's a lousy job, too, because it

is based on betrayal of trust."

In his dual role as CIA chief and chairman of the U.S. Intelligence Board, under the old intelligence setup, Richard Helms was not just "Mr. Intelligence": He wore two hats. As board chairman, he presided over six intelligence-gathering agencies that were independent and competing fiefdoms. In addition to the CIA, which in principle was paramount among them, they were the Defense Department's far-larger, code-cracking National Security Agency; the Defense Intelligence Agency, which incorporates the branches of military intelligence; the State Department's Intelligence and Research organ; the Atomic Energy Commission's intelligence unit and the Federal Bureau of Investigation. A former aide to President Lyndon Johnson, said, "There was enormous infighting among these groups. It was a major operation to coordinate the fruits of their services—to the extent that they were coordinated . . . A lot was at stake in those weekly meetings—not just estimates of the damage done by bombing in North Vietnam . . . Helms' job was to get a consensus from the meetings. He had plenty to think about, plenty to worry about. It was a very complicated job. It was a triumph for a man to be able to stay in it a while. I give full marks for being able to sit on top of it."

The Shop and the Chief

WHEN WEARING the other of his two hats, Helms masterminded the varied and complex functions of the CIA, which has been said to be "filled with young men whose fathers won't trust them with the family business." In fact, at the time Helms was chief, half of CIA's corps of analysts possessed advanced degrees, 30 percent of them doctorates and, according to Adm. Raborn, they could "easily and adequately staff a university." Speaking a hundred languages and dialects, they included economists, cartographers, psychiatrists, agronomists, chemists, anthropologists and foresters; their activities included maintaining listening posts and operating broadcasting facilities, airlines, space satellites, publishing houses, philanthropic foundations, and training bases for insurgent or counterinsurgent forces. As has since become evident, the CIA's insurgent activities amounted to a good deal more than that. It admitted recruiting, training, equipping, paying, supplying and advising a 30,000-man fighting force of "irregulars" (many from Thailand)—the chief offensive troops in the "secret war" in Laos. The admission caused Arkansas' Sen. William Fulbright to say, "The CIA has become another Defense Department."

A former CIA man in clandestine operations says of Dick Helms: "He's cautious. I've known him not to want some of these things done, but if they have to be done he'd rather have them done within the CIA . . . Like any good bureaucrat, he will argue against what he doesn't approve up to a point, then he carries out his orders." John Maury said, "He is less adventuresome than

his predecessor as chief of plans. With Dick in charge we might not have had a Bay of Pigs, but neither would we have had a strategic satellite."

Not to Make Policy

SPEAKING FOR HIMSELF, Helms convinced his congressional examiners at the time of his confirmation that the CIA would not attempt to make policy and that he, as the President's principal intelligence advisor, would not use his role to do so. He had been known to say before his rise, "I'm sorry, Mr. President, but that's a policy matter and policy is not my field." Harry Howe Ransom, professor of political science at Vanderbilt University, argues the opposite point: that the intelligence establishments "exert undue influence on policy" because "America's high government officials do not adequately monitor secret operations." Ransom says that former Secretary of State Dean Acheson advised President Truman when the CIA was created that "neither the President, the National Security Council nor anyone else would be in a position to know what it was doing or to control it." Ransom predicts that proliferating technology will increase the influence of intelligence organizations and "in some circumstances control decision-making."

Some of Helms' expressed opinions are: "We are, after all, a part of this democracy and we believe in it. We would not want to see our work distort its values and its principles. We propose to adapt intelligence to American society, not vice versa . . . In a free society there is a limit to what a clandestine service can do. It cannot substitute for the government in a Bay of Pigs." He told a congressional committee: "In our society even a clandestine outfit can not stray far from the norms. If we get . . . the public, the press or the Congress against us, we can't hack it." Insofar as the printed record shows, during his tenure Helms was scrupulous in presenting objective fact to Congress. He said he would only lose credibility by shading fact one way for Senator Fulbright and another way for Mississippi's Senator John Stennis; he re-established the CIA's good congressional relations, which had deteriorated under Admiral Raborn. Despite that, Helms was in hot water with Congress more than once: In 1967, when Ramparts magazine revealed that the CIA had subsidized the National Student Association since 1952; in 1969, during the CIA's suspected but denied involvement with the mystery killing of Vietnamese alleged counterspy Thai Khac Chuyen, for which six Green Beret officers were charged with murder and conspiracy to murder. One of the officers, Robert F. Marasco, later confessed to the murder. In another confession, Capt. John McCarthy Jr., of the Green Berets, said he had participated in a CIA-directed operation to aid in the overthrow of former Cambodian ruler Prince Norodom Sihanouk.

But Helms' first exposure to congressional heat occurred only 18 days after he took office as chief in 1966. He signed a letter to the St. Louis Globe

Democrat praising one of its editorials titled "Brickbats for Fulbright," which employed epithets and expressed satisfaction at the Senate's refusal to add three members of the Senate Foreign Relations Committee to the seven-man "watchdog" subcommittee of the Senate Armed Services and Appropriations Committee, which keeps tabs on the CIA. The letter set off a storm in the Senate. Helms apologized and explained that he had signed the letter, drafted by an assistant, without giving it his full attention. He said he had made a mistake and it would not happen again.

Asked about the "mistake," the assistant in question—Col. Stanley J. Grogan, CIA press officer at the time and soon thereafter retired—said, "Helms didn't do that! I did." Asked if Helms—whom Grogan calls "Hel-ums"—had read the letter, Grogan replied, "Sure he did." Then he amended his answer: "I don't think he read it. He signed it. That wasn't the only letter I wrote that day that he signed. I wrote about 30 of them." Old hand Grogan remembered himself as telling his new chief Helms, "You can say I wrote it. I'll take all the responsibility, but senators are not sacred. I will not apologize to Mike Mansfield—whom I like—and those other senators. They have to take the gaff as well as give it." Helms did the apologizing and parlayed it into better congressional relations.

An Unblemished Star

ALTHOUGH HELMS at first appeared to have dropped his anchor in Congress instead of in the executive branch, and was viewed as an "institutional man" rather than a "presidential man," by 1971 his star was bright with both arms of government. The CIA had been able—and happy—to disavow responsibility for the faulty intelligence leading to the raid on the prisonerless Son Tay prison camp, and for the failure to predict massive North Vietnamese resistance to the South Vietnamese invasion of Laos. In November of 1971, more than a year before Helms was superseded by Arthur Schlesinger and his vaunted reorganization of the intelligence network, a no-longer-mentioned, long-awaited and far-reaching intelligence reorganization took place under Richard Helms. He was given "an enhanced leadership role" with governmentwide responsibilities and the power—never before given to an intelligence chief—to review and thus affect the budgets of all of the nation's foreign-intelligence-gathering agencies.

Much of Helms' previous operational work was turned over to his deputy, Lt. Gen. Robert E. Cushman, now commandant of the Marine Corps. Gen. Cushman had been Richard Nixon's military aide during his vice presidential years.

By law, only one of the two top CIA posts could be held by the military; Both could be held by civilians, but custom and deference to the Armed Services Committee always divided the honors. As the first intelligence professional in the top job, Helms had no outside source of strength and said, "I am the easiest man in Washington to fire. I have no political, military or industrial base."

NEW YORK TIMES
24 May 1973

Presidential Confessions

By William Safire

ESSAY

WASHINGTON, May 23—In one of the most remarkable statements ever issued by the White House, the President made these confessions:

1. A bureaucratic civil war took place in the intelligence community in 1970, pitting J. Edgar Hoover's F.B.I. against our foreign intelligence agencies on the issue of whether to resume authority, ended in 1966, permitting U.S. agents to burglarize for national security reasons. Mr. Hoover, who did not want his men involved in this kind of operation, won. Cooperation between agencies bogged down and our intelligence "deteriorated."

2. The President stated "I approved" the creation of the unit called "the plumbers" to investigate national security leaks after the publication of the Pentagon Papers, and "I told Mr. Krogh that as a matter of first priority, this unit should find out all it could about Mr. Ellsberg's associates and his motives." The picture this calls to mind of a U.S. President acting as angry spymaster is disheartening.

3. The President asserted he told Assistant Attorney General Petersen to "confine his investigation to Watergate and stay out of national security matters." That means the President obstructed the investigation to the extent he felt necessary to protect national security. If his accusers want to say that makes him part of a "cover-up," so be it, which also applies to the next point:

4. The President said, "I instructed Mr. Haldeman and Mr. Ehrlichman to ensure that the investigation of the break-in not expose either an unrelated covert operation of the C.I.A. or the activities of the White House investigations unit. . . ."

5. "It is clear that unethical, as well as illegal, activities took place in the course of that 1972 campaign. None of these took place with my specific approval or knowledge." The President is a lawyer, and is advised by men who are careful about every word in a written statement; the addition of the word "specific" before "approval or knowledge" is probably the greatest single confession of error in the document.

The President's confessions — and these are only a handful of those made in the statement—are confessions of error, not of guilt. He says he misjudged; he did not intend, he "should have been more vigilant." But in terms of the commission of a crime, he admits nothing: The closest to that is the reference to the proposal for "breaking and entering" (I'm glad he defined "surreptitious entry" in plain words) and after Mr. Hoover's objection, he did not direct that burglary be deemed an acceptable activity of the state.

Since the statement seems to raise

more questions than it answers, why did the President put it out?

It enables the men he mentions—Haldeman, Ehrlichman, Krogh, deputy C.I.A. chief Walters—to testify truthfully without seeming disloyal to the President.

It puts information out in a big bucket—not drop by drop, as in the cartoon of water torture inflicted on the Republican party in the post-Harding era.

It reminds the fair-minded of the context of the times; now that Vietnam is over, we tend to forget the fury of the opposition to the war and the real domestic threats some of the protesters posed.

It tries to separate dirty politics, which is unconscionable, from the dirty, but somewhat more conscionable, business of stretching or breaking laws in behalf of national security.

It lays the basis for a press conference in which the President can speak like a lawyer in court, making references to a detailed brief, and not like a defendant telling the story for the first time.

Most important, the statement focuses attention on the dilemma that drew the Nixon Administration into

WASHINGTON STAR

22 May 1973

The CIA in a Better Light

Enough new information has come out of the Watergate-Pentagon Papers investigation so that accounts can be better squared on the involvement of one key department, the Central Intelligence Agency.

The CIA looked bad in the wake of disclosures that at White House request it had provided assistance to the burglars of the office of Daniel Ellsberg's psychiatrist, and that it cooperated in compiling a psychological profile of Ellsberg. We said at the time that this involvement compromised and discredited the CIA.

Since then, there has come some rather remarkable testimony from General Robert E. Cushman, former deputy director of the agency, General Vernon Walters, currently deputy director, and Richard M. Helms, who was director of CIA in the period covering both the Ellsberg and the Watergate episodes. Although CIA does not emerge blame-free, the new disclosures do afford a better perspective, and do place the agency's role in a more favorable light.

To recapitulate: General Cushman used bad judgment in helping burglars E. Howard Hunt and Gordon Liddy, though it is fairly clear he did not know their mission, and though CIA assistance to them was halted even before the burglary took place. Helms, who was in charge of the CIA's quiescing on the Ellsberg profile. So

the supersnoop business in the first place: At what point does the defense of our system corrupt our system?

It is satisfying to say, "once you admit it might be right to break the law for good ends, you wind up breaking it for bad ends." Or "an obsession with security leads to political paranoia, and the overreaction to dissent turns leaders into would-be dictators." Or, in regard to association with people you have degraded by requiring them to do the dirty work, to apply the adage, "When you lay down with dogs, you get up with fleas."

There is much truth in that, but how far are we willing to take the argument? How do we protect our secrets? Is it such a good idea to try to uncover another country's secrets? Do we need a covert operation in C.I.A. at all anymore? Was young Henry Stimson ultimately right when he stiffly remarked, "Gentlemen do not read each other's mail"?

The President, after two months, has decided upon a strategy to deal with Watergate: To admit error rather than guilt, and to change the battleground from "was the President involved in these sleazy political shenanigans?" to a loftier "what liberties are we prepared to give up for national security?"

For a man with his back to the wall, it is a daring strategy, but it is risky, too—for one of the fruits of the détente Mr. Nixon brought about is a long-awaited lessening of the lust for secrecy, and another is a growing reluctance to subvert the law in the name of national security.

much for the Ellsberg-Pentagon Papers period in 1971.

In the 1972 period following the arrest of the Watergate burglars, high White House officials evidently attempted on several occasions to unload major responsibility on CIA for what happened, and to get the agency to help scuttle the FBI's investigation. Helms and General Walters deserve great credit for refusing to go along with the White House suggestions, which Senator McClellan described as "beyond impropriety."

Should Helms and Walters have gone to the President, or Congress, with that information? Perhaps so. In retrospect, it is understandable that they did not. Lyman Kirkpatrick, a former CIA official, wrote recently in the *New York Times*:

"In fairness to CIA and other departments involved; the role of the White House staff should not be underestimated. It is not the custom of the bureaucracy to question a call from the executive offices. It is assumed that the President's people know what they are doing. While they may not inform the President of all details, it is usually believed they are operating under approved policy guidelines."

The point is worth remembering. It is one thing to have been marginally compromised. It is another to have been so compromised that the power and authority of the White House to plot the compromising.

NEW YORK TIMES
19 May 1973

Excerpts From Transcript of McCord's Testimony to Senate Panel on Watergate

Special to The New York Times

WASHINGTON, May 18—Following are excerpts from a transcript of testimony by James W. McCord Jr. on the second day of hearings today by the Senate Select Committee on Presidential Campaign Activities into the Watergate case:

MORNING SESSION

MR. DASH. Were you an employe of the Committee to Re-elect the President?

McCORD. Yes.

Q. What position did you hold and what were your duties? A. I came aboard first as a security consultant part-time in September of 1971.

Q. How did you get that job? A. I was introduced initially by Mr. John Caulfield and Mr. Odle, the director of administration, who testified yesterday.

Q. Under whose direction did you work? A. Primarily under the direction of Mr. Robert Odle, who was my immediate supervisor in the committee. The responsibility with Mr. Mitchell and his family, I received directions from him, from Mrs. Mitchell, from Robert Odle and Mr. Liddy.

Q. Did there come a time when you worked under the direction of Gordon Liddy? A. Yes, I did.

Q. What was Mr. Liddy's position at that time? A. He was at first from December until about March 19—December '71 to about March '72—general counsel for the Committee to Re-elect the President. Thereafter he has occupied the same position with the Finance Committee for the Re-election of the President.

Q. When did this arrangement or—I which you work under his direction—begin, Mr. McCord, with Mr. Liddy? A. The first discussions of the arrangements began sometime in January, 1972. Early January.

Q. Could you briefly state for the committee, Mr. McCord, what that was that Mr. Liddy wanted you to do?

A. Gradually, the discussion in December, January, February of 1972 with Mr. Liddy, gradually developed into more and more conversation on his part with me in the offices of the Committee for the Re-election of the President regarding the technical devices and political matters pertaining to the forthcoming convention, and that became apparent that he had an interest in several areas of intelligence gathering pertaining the Democratic party and the Democratic convention, and in which it was contemplated or planned

by him and by others whom he referred to in these conversations as John Mitchell; John Dean, counsel to the President; Jeb Magruder then in January the interim director of the Committee to Re-elect the President; in which it appeared that those men, the four of them, were in the—by late January—the planning stage in which political intelligence was to be discussed at meetings at the Attorney General's office, Mr. Mitchell's office, and in which Mr. Liddy was seeking from me certain information regarding the costs and the types of electronic devices that could be used in bugging.

That the part of the budget proposal which he was working, working on, the second part dealt with photography operations, clandestine photography operations, and a third part dealt with the broad area of political espionage, political intelligence.

The topic of photography, clandestine photography, in which he was preparing the budget and preparing to meet with the gentlemen I have referred to before, in planning sessions, dealt with photographic equipment and the cost of photographic equipment and specific items of equipment that would be used against the Democratic party, the Democratic hierarchy in Washington primarily, but also in Miami, Florida. The electronic devices which he referred to specifically were of a variety of types.

Q. I am not asking specifically what the types were, but how were they to be used, where were they to be placed from your understanding?

A. The initial interests specified by Mr. Liddy in this regard were, No. 1, against Mr. Larry O'Brien, then chairman of the Democratic National Committee in Washington, D.C., at his residence and subsequently at his office in the Watergate office building. Perhaps other officers of the Democratic National Committee. The McGovern headquarters in Washington, D.C., were mentioned quite early in 1972. And there was some general reference to the Democratic National Convention facility or site wherever it might be located at this convention in the summer of 1972.

Q. All right now, Mr. McCord, in connection with this assignment in which you were having these discussions with Mr. Liddy, did you come to associate yourself with Mr. E. Howard Hunt, Bernard Barker, Eugenio Martinez, Frank Sturgis and Virgilio Gonzales? A. Yes, I did.

Q. And as a result of that association and your agreement with Mr. Liddy, did you

with Mr. Barker, Sturgis, Martinez and Gonzales illegally enter the Democratic National Committee headquarters on two occasions, one on or about May 30, 1972, and the other in the early morning hours of June 17, 1972?

A. I did.

Q. On the first occasion on or about May 30, 1972, you installed two telephone interception devices or wire-taps on two office telephones, one on the telephone of Spencer Oliver and the other on the telephone of Lawrence O'Brien?

A. I did.

Reasons for His Acts

Q. Will you tell the committee, Mr. McCord, why, after a lifetime of work as a law enforcement officer without, as you have testified, any blemish on your career, did you agree with Mr. Liddy to engage in his program of burglaries and illegal wire-tapping and specifically the two break-ins on May 30 and June 17 of the National Democratic Committee headquarters at the Watergate?

A. There were a number of reasons associated with the ultimate decision of mine to do so. One of the reasons, and a very important reason to me, was the fact that the Attorney General himself, Mr. John Mitchell, had his, at his office, had considered and approved the operation, according to Mr. Liddy.

Secondly, that the counsel for the President, Mr. John Dean, had participated in those decisions with him. That one was the top legal officer for the United States at the Department of Justice, and the second gentleman the top legal officer in the White House, and it was a matter that had currently been given—

Q. Did you have any knowledge, directly or indirectly, that would lead you to believe or have information that the C.I.A. was involved in this plan?

A. I had just the contrary, that there was no indication, no intelligence, no statements to me that this was a C.I.A. operation; that, quite the contrary, that it was an operation which involved the Attorney General of the United States at that point in time—subsequently, he became the director of the Committee to Re-elect the President—Involved the counsel to the White House; involved Mr. Jeb Magruder and Mr. Liddy, who was then general counsel, at that point in time of the Committee to Re-elect the President and, subsequently, was the finance committee general counsel. Therefore, in my mind there was an absolute

certainty that the C.I.A. was not involved, neither did I ever receive any statement from any of the other codefendants, at any point in time up to June 17 or subsequently, that this was a C.I.A. operation.

Q. For the record, your re-statement of your belief that the Attorney General, Mr. Magruder, other than Mr. Liddy, was hearsay based on what Mr. Liddy told you and Mr. Hunt? A. That is correct.

Q. Now, Mr. McCord, did you engage in any other break-ins or wiretaps on your own or with Mr. Hunt, Mr. Liddy, or others such as the break-in in Mr. Ellsberg's psychiatrist's office? A. I did not.

Q. Now, after your arrest, which you testified to, did you receive any money? A. Yes, I did.

Q. From whom did you receive that money? A. From the wife of E. Howard Hunt, Mrs. Hunt.

Q. Can you tell us how much money you did receive? A. Yes, I received legal fees of \$25,000 for the payment of lawyers. I receive a continuation of salary from July through January at the rate of \$3,000 a month, which the others were receiving as well.

Q. Did you have knowledge, information, and belief as to where this money came from? A. I was told that it came from the Committee to Re-elect the President by Mrs. Hunt.

Q. Now, after your arrest and at the time of the indictment, after the trial or during the trial, did you receive any pressure, suggestions from any persons concerning what you should do about that trial with regard to your plea, behavior, or conduct? A. Yes, I did.

Q. Would you now please state to the committee from whom you received such directions or pressures, and what it was?

A. Yes, it extended over a period of time beginning; to the best of my recollection, in late September or early October, 1972, and it continued through the night before my conviction on Jan. 29, 1973. The persons who communicated information to me, which I construed as political pressure, included Mr. E. Howard Hunt; Mrs. Hunt speaking for Mr. Hunt, she stated; my attorney, Mr. Gerald Alch, John P. Caulfield—

Q. Will you please repeat again the name of your attorney that you just said? A. Mr. Gerald, G-E-R-A-L-D, Alch, A-L-C-H, and Mr. John Caulfield, C-A-U-L-F-I-E-L-D, who had originally hired me for the position, or who had interviewed me for the posi-

tion with the Committee to Re-elect the President.

Q. Now, with Mr. Hunt, and with Mrs. Hunt, recognizing that you are dealing with hearsay, in that you heard that said, what another person said, what was communicated to you by his presence? A. In regard to Mrs. Hunt or Mr. Hunt?

Q. Well, first, Mr. Hunt.

A. Conversations with Mr. Hunt began, to the best of my recollection, in late September or early October, 1972, when I was seeing him at the courthouse on various retrial exercises or events, notions, that were transpiring, in which we would talk about various matters, including the situation that we were in, what the trial appeared to be at that point in time—that is, what the future looked like for us; and in telephone conversations, with him to me.

In other words, both in person and by telephone, Mr. Hunt stated that the defendants were going to be provided with, given executive clemency after a period of time in prison, if interested, if they pled guilty, and were sentenced in a plea of not guilty, that they were going to be given financial support while they were in prison; that is, their families would be; and that rehabilitation, not specified but rehabilitation, perhaps a job, would be provided for the men after the release from prison.

Q. All right. Let us leave out for the moment Mrs. Hunt. Would you now proceed to any conversations you had leading up to contacts with Mr. Caulfield and what Mr. Caulfield did state to you?

Q. Mr. McCord, what led you to prepare the statement? Why have you prepared that statement?

A. I prepared it, sir, for accuracy's purpose because of the nature of the information that is contained therein, as I have done with some previous statements to this committee, where I felt that my best recollection, as best I can recall it, set down in writing, would be the most accurate way of doing it rather than, in effect, under the pressure of lights and cameras and what have you, make statements that might either be misconstrued or might be inaccurate on my part, and in order to set it forth as briefly as I know how.

Q. All right. Now, will you please read the statement and will you read it clearly so we can all hear it now?

A. I will state as a preliminary that the dates of the telephone calls that I refer to in this statement are to the best of my recollection; they may be inaccurate by a day or two, but they are the best recollection I have of the dates on which the calls occurred.

The subject is political

pressure on the writer to accept executive clemency and remain silent.

Political pressure from the White House was conveyed to me in January, 1973, by John Caulfield to remain silent, take executive clemency by going off to prison quietly, and I was told that while there, I would receive financial aid and later rehabilitation and a job. I was told in a January meeting in 1973 with Caulfield that the President of the United States was aware of our meeting, that the results of the meeting would be conveyed to the President, and that at a future meeting there would likely be a personal message from the President himself.

SENATOR ERVIN. I would like to state at this point that the testimony of Mr. McCord as to what was told to him by John Caulfield would not be accepted in a court of law to connect the President with what Mr. Caulfield was doing, but it is admissible to show whether or not Mr. Caulfield was a party to any agreement to connect the President for any information on what is known as the Watergate affair, but it is not received in connection to the President at the stage.

SENATOR GURNEY. I think it ought to be pointed out at that time that—at this time, January, 1973, it is my understanding that Mr. Caulfield was not in the White House at all, but was employed, I think, by the Treasury Department.

MR. DASH. That is right.

MR. DASH. His counsel has been informed that he wants to testify and he will accept a subpoena.

SENATOR BAKER. The answer is he is not under subpoena and my request of the chairman is that a subpoena be issued in standard form for Mr. Caulfield to testify and that he be scheduled to testify immediately next succeeding this witness.

MR. DASH. This was our understanding.

SENATOR BAKER. Mr. Chairman, will you take care of that request?

SENATOR ERVIN. Yes, I will sign it as soon as I can get somebody to prepare it.

MR. DASH. We have contacted his counsel and have been told by him that he is prepared to accept the subpoena.

Will you please proceed with your reading of the statement, Mr. McCord.

MCCORD: On the afternoon of Jan. 8, 1973, the first day of the Watergate trial, Gerald Alch, my attorney, told me that William O. Bittman, attorney for E. Howard Hunt, wanted to meet with me at Bittman's office that afternoon. When I asked why, Alch said that Bittman wanted to talk with me about "whose word I would trust regarding a White House release." Alch added that

Bittman wanted to talk with both Bernard Barker and me that afternoon.

I had no intention of accepting executive clemency, but I did want to find out what was going on, and by whom, and exactly what the White House was doing now. A few days before, the White House had tried to lay the Watergate operation off on C.I.A., and now it was closer that I was going to have to find out what was up now. To do so involved some risks. To fail to do so was, in my opinion, to work in a vacuum regarding White House intentions and plans, which involved even greater risks, I felt.

Around 4:30 P. M. that afternoon, Jan. 8, while waiting for a taxi after the court session, Bernard Barker asked my attorneys and me if he could ride in the cab with us to Bittman's office, which we agreed to. There he got out of the cab and went up towards Bittman's office. I had been under the impression during the cab ride that Bittman was going to talk to Barker and me jointly, and became angered at what seemed to me to be the arrogance and audacity of another man's lawyer calling in two other lawyers' clients and pitching them for the White House.

Anger Was Evident

Alch saw my anger and took me aside for about a half-hour after the cab arrived in front of Bittman's office, and let Barker go up alone. About 5:00 P. M. we went up to Bittman's office. There Alch disappeared with Bittman, and I sat alone in Bittman's office for a period of time, became irritated, and went next door, where Bernard Shankman and Austin Mittler, attorneys for me and Hunt respectively, were talking about legitimate legal matters.

I might add at this point, parenthetically, no knowledge whatever that either Bernard Shankman or Austin Mittler had any knowledge whatever of the events which I am discussing in this memorandum.

Alch finally came back, took me aside and said that Bittman told him I would be called that same night by a friend I had known from the White House.

I assumed this would be John Caulfield, who had originally recruited me for the Committee for the Re-election of the President position.

About 12:30 P. M. that same evening I received a call from an unidentified individual who said that Caulfield was out of town and asked me to go to a pay phone booth near the Blue Fountain Inn on Route 355 near my residence, where he had a message for me from Caulfield. There the same individual called and read the following message:

"One year is a long time. You will get Executive clem-

ency. Your family will be taken care of and when you get out you will be rehabilitated and a job will be found for you.

"Don't take immunity when called before the grand jury."

MR. DASH. Now, Mr. McCord, did you recognize that voice at all? Do you know who was speaking to you on the telephone? A. I do not know who the man was—the voice I heard over the telephone before in previous calls.

SENATOR GURNEY. Would you proceed.

A. I would be glad to. Sometime in July, 1972, shortly after I got out of jail, which was in June, 1972, about midday there was a note in my mailbox at my residence and when I opened the letter, which had not been stamped nor sent through the mails, it was a note from Jack Caulfield signed "Jack," which said, "Go to the phone booth on route 355 near your home," and he gave three alternate times at which I could appear at the phone booth for a telephone call from him.

To the best of my recollection, one of those times was very shortly thereafter, an hour or two later, and another time was the next day, and it seems to me that the third time was the following evening.

Calls At Phone Booth

I went to the telephone, to that telephone booth on Route 355, that afternoon, the same afternoon, as I best recall, and I heard the voice that I have referred to in this memorandum of today. I do not know the individual's identity; he had an accent that I would refer to as a New York accent. He said that he had formerly worked for Jack Caulfield. He said, "I am a friend of Jack's, I formerly worked with him. Jack will want to talk with you shortly. He will be in touch with you soon."

I received a call subsequently from Mr. Caulfield. To the best of my recollection it came to my home first and it said, "Go to the same phone booth on Route 355," which I did, and there Mr. Caulfield told me that he was going overseas in a few days. He said, "If you have any problems — if you have any problems — call my home and leave word and I will call you back from overseas to your residence."

He said, "When you call my home ask for Mr. Watson."

SENATOR GURNEY. Mr. Watson?

A.—Watson, he said. Also, "After my return if you ever need to call me at my office," he gave a number, the office number and he said: "Simply leave word that Mr. Watson is calling."

So it was a name that both of us were to use, my name and his name. I did not contact him during the next 30 days. The next time I heard from him, to the best of my recol-

lection, sometime in September, 1972, on a Sunday afternoon.

Uncertain About Date

I can't recall the exact date but I do recall that Mr. Clark MacGregor, then the head of the Committee for the Re-election of the President, had just finished a television appearance on one of the talk programs such as "Meet the Press," and Mr. Caulfield called me at home and again asked that I go to the telephone booth on Route 355, which I did. He stated that he had trouble getting my home phone number because it was an unlisted number, and he stated: "We are worried about you"—this is Mr. Caulfield's statement—and he went on then to read briefly the words of a deposition which he planned to give to the Democratic National Committee—I had read in the papers a few days before that he had been scheduled as a witness before the Democratic National Committee—and he read the deposition to me indicating that this was, in effect, what he planned to say in the deposition.

There was some reference during the conversation to something with a double agent, in quotes; Mr. Clark MacGregor, as I recall, in his television appearance had referred to the possibility of there being a double agent in the Watergate operation and the inference was that it was Mr. Baldwin, and I told Mr. Caulfield that, so far as I was concerned, whoever had drawn that conclusion had drawn absolutely an erroneous conclusion, that I had seen absolutely nothing that would indicate such, and I simply wanted to go on the record with Mr. Caulfield to that effect.

I told the caller I would not discuss such matters over the phone. He said that Caulfield was out of town.

On Wednesday evening, Jan. 10, the same party, to the best of my recollection, called and told me by phone that Jack would want to talk with me by phone on Thursday night, the following night, Jan. 11, when he got back into town and requested that I go to the same phone booth on Route 355 near the Blue Fountain Inn. He also conveyed instructions regarding a personal meeting with Mr. Caulfield on Friday night, Jan. 12.

On Friday night, Jan. 12, from about 7 P.M. to 7:30 P.M., I met with Caulfield at the second overlook—that is, overlooking the Potomac at the parking area, for looking at the Parking area on George Washington Parkway in Virginia.

MR. DASH. Mr. McCord, how did you know to go there? How was it arranged?

A. I met with Caulfield at the second overlook on George Washington Parkway—that is, the second one leaving Washington and going out to Virginia—and

talked with him in his car, in his automobile. Caulfield advised that he had been attending a law enforcement meeting in San Clemente, Calif., and had just returned. I advised him that I had no objection to meeting with him to tell him my frame of mind but that I had no intention of taking executive clemency or pleading guilty; that I had come to the meeting at his request and not of my own, and was glad to tell him my views.

He said that the offer of executive clemency which he was passing along, and of support while in prison and rehabilitation and help toward a job later, "was a sincere offer." He explained that he had been asked to convey this message to me and he was only doing what he was told to do. He repeated this last statement several times during the course of the meeting we had then, and I might add during subsequent meetings which he and I had.

My response was that I would not even discuss executive clemency or pleading guilty and remaining silent, but I was glad to talk with him, so that there was no misunderstanding on anyone's part about it.

I might explain that the trial was going on during this period. This was the first week of the trial which began on Jan. 8.

Caulfield stated that he was carrying the message of executive clemency to me "from the very highest levels of the White House." He stated that the President of the United States was in Key Biscayne, Fla., that weekend, had been told of the forthcoming meeting with me, and would be immediately told of the results of the meeting.

SENATOR ERWIN. Now that the same rule previously announced. This evidence is competent to show that, if anything, John Caulfield did to induce Mr. McCord to plead guilty and keep silent. It is not any evidence at the present state of the hearing that connects, that makes any indication whatever and has any relevancy as to the President.

McCORD. He further states that "I may have a message to you at our next meeting from the President himself."

I advised Caulfield that I had seen the list of witnesses for the trial and had seen Job Magruder's name, appearing as a Government witness. I advised him that it was clear then that Magruder was going to perjure himself and that we were not going to get a fair trial. Further, I told him that it was clear that some of those involved in the Watergate case were going to trial and others were going to be covered for [I was referring to John Mitchell, John Dean and Magruder] and I so named those individuals, incidentally, in the conversation, and I said that this was not my idea of American justice. I further—

SENATOR ERWIN. The same ruling applies so far as John Mitchell, John Dean and Magruder are concerned—that is, that it does not connect them, legally speaking.

Ellsberg Case Cited

McCORD. I further advised Caulfield that I believed that the Government had lied in denying electronic interception of my phone calls from my residence since June 17, 1972, and that I believed that the Administration had also tapped the phones of the other defendants during that time. I mentioned two specific calls of mine which I was certain had been intercepted by the Government, and yet the Government had blithely denied any such tapping. These were my words to Mr. Caulfield.

I compared this denial to the denial that the Government had made in the Ellsberg case, in which for months the Government had denied any such impermissible interception of the calls and yet in the summer of 1972 had finally been forced to admit them when the judge ordered, by court order, a search of about a dozen Government agencies, and calls intercepted were then disclosed.

I might state, separate from the record at this point, that, as I have previously stated, I had no knowledge whatever of any activity, monitorially or what have you, of Mr. Ellsberg's calls as have previously come out, as have earlier come out in the newspapers in the past few days. It is purely coincidence that I happen to mention the Ellsberg case at that time. I had been following the case in the papers and I knew the history of the case.

To go on with the statement, I stated that if we were going to get a fiction of a fair trial, through perjured testimony to begin with, and then for the Government to lie about illegal telephone interceptions, that the trial ought to be kicked out and we start all over again, this time with all of those involved as defendants. At least in this way, "some would not be more equal than others" before the bar of justice and we would get a fair trial.

The executive clemency offer was made two or three times during this meeting, as I recall, and I repeated each time that I would not even discuss it, nor discuss pleading guilty, which I had been asked to do in the first telephone call received on the night of Jan. 8, from Caulfield's friend, whose identity I do not know. I told him, referring to Mr. Caulfield, that I was going to renew the motion on disclosure of Government wiretapping of our telephones.

I did not hear from Caulfield on Saturday, but on Sunday afternoon he called and asked to meet me that afternoon about an hour later at the same location on George Washington Park-

way. He stated that there was no objection to renewing the motion on discovery of Government wiretapping, and that if that failed, that I would receive executive clemency after 10 to 11 months. I told him I had not asked anyone's permission to file the motion.

He went on to say that, "The President's ability to govern is at stake. Another Teapot Dome scandal is possible, and the Government may fall. Everybody else is on track but you. You are not following the game plan. Get closer to your attorney. You seem to be pursuing your own course of action. Do not talk if called before the grand jury. Keep silent and do the same if called before a Congressional committee."

My response was that I felt a massive injustice was being done, that I was different from the others, that I was going to fight the fixed case, and had no intention of either pleading guilty, taking executive clemency or agreeing to remain silent. He repeated the statement that the Government would have difficulty in continuing to be able to stand. I responded that they do have a problem, but that I had a problem with the massive injustice of the whole trial being a sham, and that I would fight it every way I know.

I should make a correction. In the sentence I just read in saying the whole trial being a sham, because I did not at that point in time make any reference at any time to Judge Sirica to the contrary of his being anything but an honest and dedicated judge, and I do not want the sentence to be misread.

He—talking about Caulfield—asked for a commitment that I would remain silent and I responded that I would make none. I gave him a memorandum on the dates of the two calls of mine in September, 1972, and October, 1972, that I was sure had been intercepted, and said that I believed the Government had lied about them. He said that he would check and see if in fact the Government had done so.

On Monday night, Jan. 15, 1973, Caulfield called me again at the phone booth on Route 355 near my residence. I informed him that I had no desire to talk further, that if the White House had any intention of playing the games straight and giving us the semblance of a fair trial they would check into the perjury charge of mine against Magruder, and into the existence of the two intercepted calls previously referred to, and hung up.

On Tuesday evening, Caulfield called and asked me again to meet him and I responded not until they had something to talk about on the perjured testimony and the intercepted calls. He said words to the effect "give us a week," and a meeting was subsequently arranged on Jan. 25, 1973, when he said he

would have something to talk about.

About 10 A.M., on Thursday, Jan. 25, 1973, in a meeting lasting until about 12:30 A.M.—correction, 12:30 P.M.—we drove in his car toward Warrenton, Va., and returned—that is, we drove there and returned—and a conversation ensued which repeated the offers of executive clemency and financial support while in prison, and rehabilitation later. I refused to discuss it.

He stated that I was "fouling up the game plan." I made a few comments about the "game plan." He said that "they" had found no record of the interception of the two calls I referred to, and said that perhaps I'll wait until the appeals. He asked what my plans were regarding talking publicly, and I said that I planned to do so when I was ready; that I had discussed it with my wife and she said that I should do what I felt I must and not to worry about the family. I advised Jack that my children were now grown and could understand what I had to do, when the disclosures came out.

Offer of \$100,000

He responded by saying that "you know that if the Administration gets its back to the wall, it will have to take steps to defend itself." I took that as a personal threat and I told him in response that I had had a good life, that my will was made out and that I had thought through the risks and would take them when I was ready. He said that if I had to go off to jail that the Administration would help with the bail premiums.

I advised him that it was not a bail premium, but \$100,000 straight cash and that that was a problem. I would have to worry about, through family and friends. On the night before sentencing, Jack called me and said that the Administration would provide the \$100,000 in cash if I could tell him how to get it funded through an intermediary. I said that if we ever needed it I would let him know. I never contacted him thereafter; neither have I heard from him.

That completes the statement.

MR. THOMPSON. Mr. McCord, I would like to limit my questions to one area. That is what you know about the planning of the Watergate break-in. First of all, I would like to separate what Mr. Hunt told you someone said about it from what Mr. Liddy told you someone said about it. Did Mr. Hunt indicate to you that he knew anything about these meetings that Mr. Liddy referred to with Mitchell, Magruder and Dean?

A. The question is, did Mr. Hunt indicate—

Q. Yes, sir.

A. That he knew anything about the meetings?

Q. Yes, sir.

A. Yes, he did.

Q. What did he say about those meetings? Did he indicate he was present at any of those meetings?

A. The meetings, as best I recall, in which these references by Mr. Hunt took place, took place in Mr. Hunt's office, in the Robert F. Mullen Company offices at 1700 Pennsylvania Avenue. They took place in April and May of 1972. To the best of my recollection, Mr. Liddy was present in all of the discussions.

Mr. Liddy, during those discussions, as best I recall, would raise the topic that the planning and the progress of the operation itself was going forward, comments about what Mr. Mitchell was saying to him about what could be done in terms of the priorities of the operation; that is, which ones were to be done first and second.

Three-Way Discussions

Mr. Hunt's comments, his exact words I cannot recall, but his comments made to me—and not to me, made in three-way discussions that were taking place during that period of time—indicated to me that he had separate, independent knowledge, perhaps from Mr. Liddy, perhaps from other sources, of his own that Mr. Mitchell and Mr. Dean and Mr. Magruder had planned the operations in the Attorney General's office to begin with and that at least Mr. Mitchell and Mr. Magruder had had subsequent discussions after the first meeting in the Attorney General's office, and that Mr. Magruder and Mr. Mitchell had had discussion with Mr. Liddy in Mr. Mitchell's offices at the Committee to Re-elect the President regarding the ongoing plans to carry out the operations.

Does this answer your question somewhat?

Q. Well, I think it naturally raises several other questions. What did he say, as best you can recall, to indicate to you that he had any independent knowledge other than what Mr. Liddy might have told him?

A. It would fall into two separate categories. I said, one, what Mr. Liddy had told him before and, secondly, what he had learned from others. I mentioned to this committee the name of another individual, but I will not mention it at this point, that Mr. Hunt referred to in conversations, in which they were talking about the Watergate operations and the planning for the operations and so on. The statement—

Q. I think you should refer to the name. A. He referred to the name of Mr. Colson. That was interjected into the conversation by Mr. Hunt in the meetings with Mr. Liddy and me in his office, Hunt's offices, at 1700 Pennsylvania Avenue, and, specifically, when Mr. Hunt had a plan, a typed plan, operational plan, for the entry of the Democratic National Committee Headquarters.

Q. Do you recall anything that Mr. Hunt said to you, about Mr. Colson's involvement, or did you just get the general impression that Mr. Colson was involved in some way from what Mr. Hunt told you?

A. I believe my previous testimony, which I will restate before this committee, was to the effect that, when I had met Mr. Hunt in his offices, at 1700 Pennsylvania Avenue with Mr. Liddy, that he had referred to his previous work at the White House for Mr. Colson, referring to him, as his superior; that during the session that Mr. Hunt, Mr. Liddy, and I had in Mr. Hunt's offices, Mr. Hunt had a typed plan that he had typed himself, step-by-step, for the entry of the Democratic National Committee headquarters; that at one point, he held this plan in his hands, and his words were, he interjected the name of Mr. Colson into the conversation at that point, words to the effect, "I will see Colson." And he held the paper in his hand in this sense.

From that statement, I drew the conclusion that he was going to see Mr. Colson and discuss our giving him the operational plan. That is a conclusion, but this is also the words as best I recall, with which Mr. Hunt raised the name of Mr. Colson.

Q. I am sure that will need to be pursued. But getting back to my original point, is that innocent of knowledge Mr. Hunt had of these meetings we referred to, he did not bring Mr. Colson into the conversation with regard to these particular meetings that you previously referred to, did he?

A. I believe you asked me if he appeared to have knowledge. I said he appeared to have knowledge of the previous meetings, of the Attorney General, in the Attorney General's office, of Mr. Liddy, Mr. Magruder, and Mr. Dean and my response was to the effect that he had it from Mr. Liddy from what he told me, and I believed also that he had this information from others.

Q. You say that you think he had independent knowledge, and, of course, this is a serious matter. I think we have to determine whether or not we are relying on Mr. Liddy or Mr. Hunt and Mr. Liddy for this information, which, of course, is extremely important information. Anything you can state that, Mr. Hunt told you to indicate that he had any independent knowledge of these meetings, I think would be very relevant. You can do it now or supply — you have supplied several memorandums that are very helpful in that regard. If you want to do that at a subsequent time, I think that would be appropriate.

A. I would be glad to submit the committee a memorandum if that would be helpful to you, and set it forth in exactly the detail as best I

Q. Now, let us get back to the meetings in a little bit

more detail, Mr. McCord. How many meetings did Mr. Liddy say there were when the over-all surveillance operations were discussed? A. At what point in time?

Q. Well, how many meetings, over all, up until June 17, did Mr. Liddy indicate that he, Mitchell, Magruder and Dean, or any combination of those people, had to discuss generally?

A. He did not say the number. It was stated to me in various and sundry meetings with Mr. Liddy between January and June 17 by Mr. Liddy that he had had several meetings with Mr. Mitchell; that there appeared to be ongoing meetings with Mr. Mitchell from the planning stage until the completion of the plans for the second entry operation on June 17; that there appeared to be continuous discussions between at least Mr. Liddy and Mr. Mitchell and sometimes

Mr. Magruder, according to statements which Mr. Liddy made to me, and they began with the planning and they continued through the ongoing operation itself. The monitoring and the planning for the second operation and discussions at various stages, according to Mr. Liddy, of the various priorities of the bugging and photography operations, what was to come first, what was to come second.

Held Regular Talks

Q. Did Mr. Liddy come to you after each important meeting, or after each meeting where these plans were discussed, and give you a summary of the meetings, what was discussed and what the conclusions were?

A. Not after each meeting at all, but we would see each other regularly, during the week. I would say not once a day but every other day, most weeks between January and June 17. Sometimes he would tell me, I am getting ready to go up to see the Attorney General to discuss this operation, referring to the Watergate operation, to discuss the operations that he had planned.

Sometimes he would tell me, I have just come back from that operation, concluding what we are going to do now.

Q. Were some of these meetings, according to what he told you, while Mr. Mitchell was still Attorney General? A. Yes.

Q. And some after he came to the Committee to Re-elect? A. Yes.

Q. Were money figures discussed? A. Oh, yes.

Q. According to what he said—according to Mr. Liddy, what was the original proposed budget for the over-all surveillance operation? I assume we are talking about the over-all operation, not just the Watergate break-in, is that correct?

A. We are talking about three categories—political espionage, photography operations, and electronic operations, and the original figure in February that Mr.

Liddy proposed, as I saw it in writing, in a draft on his desk on one occasion and in a typed memorandum, on a second occasion, was approximately \$450,000.

Q. All right, according to him, was that budget approved?

A. The sequence of the events were that there were planning meetings in January or February or both in the Attorney General's offices, in which Mr. Dean and Mr. Magruder, Mr. Liddy, and Mr. Mitchell discussed the original amount, the \$450,000 amount, and subsequently, approximately 30 days after the first formal meetings and I heard referred to by Mr. Liddy, there was a figure of approximately \$250,000, which he said had been approved for the operation. And he referred also to some additional funds which he had in the order of approximately \$100,000, but that figure is not absolutely certain in my mind, with a total of something around \$300,000 or \$350,000.

Q. According to him, was this money problem the need for subsequent meetings? Was that a concern of the people involved? Was there quite a bit of discussion as to exactly how much money should be spent on this project?

A. Money was a topic that he said was discussed. He said the individual operations were discussed — that is, specifically the three parts of his budget which he had prepared on charts, which he had taken to at least one of the meetings. That is, the three parts of political espionage and photography and so on. It was not limited, the discussion was not limited to the matter of funding. My understanding was all aspects of the operation were discussed in those meetings by the four individuals.

Q. Let me just ask you this: Did he tell you that John Mitchell ever told him that this budget is just too high and you will have to do it for less or something to that extent? A. No, he did not.

Q. Did he ever tell you that they specifically discussed the Watergate operation in any of these meetings? A. Oh, yes, sure.

Q. That the Watergate break-in specifically was discussed? A. Very definitely.

Q. What did he say about that particular discussion?

A. It was a contiguous discussion. He sat in with Mr. Magruder from the earliest planning session in January through the first entry operation, Memorial Day weekend and then even to the second operation in June, and he talked to me at various times, and it was clear from what he said that their committee — that Mr. Liddy was having such meetings — he, stated they were having such meetings in which the Watergate operation was a part of Watergate, referring to the Democratic National Committee

headquarters himself.

So I would say there were many such discussions by Mr. Liddy with me in which he stated that meetings had occurred with Mr. Mitchell and Magruder specifically on this after February.

Q. You mentioned, you mentioned I believe, that you had frequent contact with Liddy. Did you have frequent contact with Mr. Magruder at the Committee to Re-elect? A. Yes, I did.

Q. Would you see him on a daily basis? A. We would see each other on a daily basis. We would speak hello, exchange greetings. My point of contact at the committee was his deputy, Mr. Odle. My business was transacted primarily with Mr. Odle, their offices were adjoining.

Security for Mitchells

Q. Their offices were close together? A. So, we would see each other frequently in that sense.

Q. Just to speak, or did you ever discuss any substantive matters concerning the re-election of the President or the operation of the Committee to Re-elect the President? A. We had some meetings, one particular meeting with the Attorney General and Mr. Magruder lasting over an hour in which we discussed over-all security of the committee and the security of the Mitchell family.

Q. At that time in March you had pretty much made up your mind, I assume, you would, if the thing was funded, that you would participate for the reasons that you have given?

A. The decision process, I think, on my part took place after the 30-day delay that I referred to here in which it appeared that this whole matter was being considered, reconsidered, discussed and so on by Mr. Mitchell. It was also very material to me that he had considered it while in the Attorney General's office, that the discussion had taken place there and he apparently had approved it and so on, but I had some reasons for considering the 30-day delay important, and this was part of my motivation.

Q. You say you saw Mr. Liddy often and you saw Mr. Magruder often and you had this one meeting with the two of them. Did anything they said to you or did anything that you overheard them say to other people, any telephone conversations that you might have accidentally heard indicate to you that what Liddy was telling you was in fact true, or did any of these things in your mind corroborate what Mr. Liddy was telling you?

A. About what, the meetings with the Attorney General in his office? Mr. Liddy had some charts which I have described to this committee before, which he said cost some \$7,000 as to prepare, in

which he set forth the plans, as I understood it, the cost of the operation. The fact that he would go to so much trouble and to so much expense, it was obvious to me this was officially approved by somebody in the operation within the committee itself and the Attorney General in order for that amount of money to be spent for material of this sort, to go to that much trouble.

Tells of Seeing Charts

Q. Pardon me, did you ever see the charts themselves?

A. Yes, I saw the charts when he brought them in the day before he said a meeting was scheduled with the Attorney General. He pointed to the chart and said, "These are for the briefing with the Attorney General tomorrow. These are connected with the papers which I have shown to you — the draft and the type of budget draft that he had and showed to me on a day or two before. He did not unwrap the charts themselves. They were in brown wrapping paper. He said they had been prepared commercially, locally — not locally, he said they had been prepared commercially and he subsequently told me that he had been told by John Dean to destroy the charts, and because they cost so much he did not plan to do so.

Q. He told you he was using these charts in discussion with the Attorney General and others? A. Correct.

Q. So far as conversations by these gentlemen concerning their participation, were there any conversations or anything that they said that you heard which indicated that what Mr. Liddy said about the meeting discussing these things was true? A. By these gentlemen you are referring to?

Q. I am talking about Mr. Mitchell, Mr. Magruder or Mr. Dean. A. That is correct. They did not discuss it with me.

SENATOR ERVIN. You say that from after the return of the bills, every indictment, in September down to the day, last day of the trial, that you were urged to plead guilty and remain silent by a number of people. Did Mr. Hunt ever urge you to plead guilty and remain silent? That is, E. Howard Hunt? A. The words most frequently used by Mr. Hunt with me was that "executive clemency would be available to me."

Q. Yes. How many times did he urge you to plead guilty? That is, Hunt? A. I mean to correct that statement. I do not recall Mr. Hunt using those words with me to plead guilty.

Q. Did he urge you to or not to remain silent? A. Not in the exact words, no, sir.

Q. What words did he use as far as you remember? A. He used words to the effect that — he used words stating that "executive clemency is going to be made available to us," and he spoke in terms as though it

already had been committed — I say already, already as of the time that he first mentioned it to me.

Q. Now, you stated that you were paid some money through the instrumentality of Mrs. Hunt, and also that your lawyer fees were taken care of, as I understood you? Do you know who paid your lawyer fees? A. I was told that both monies came from the Committee to Re-elect the President.

Q. Now, did your lawyer urge you to enter a plea of guilty? I am talking about Mr. Gerald Alch. A. I do not recall that, no sir.

Q. But he did go with you to Mr. Bittman's office? A. Yes, sir.

Q. And Mr. Bittman was the lawyer for Mr. Hunt, was he not? A. Yes, sir.

Q. And then after that, you did not talk to Mr. Bittman yourself? A. No, sir.

Q. But Mr. Alch did? A. Yes, sir.

Q. And after his conversation with Mr. Bittman he told you that Mr. Bittman urged you to plead guilty and remain silent and said you would get executive clemency?

Clarification on Clemency

A. I will correct that, sir, if I left that impression. I believe the words were that in the afternoon of Jan. 8, Mr. Alch said that Mr. Bittman wanted to talk with me about "whose word I would trust regarding a White House offer of executive clemency" and then at the meeting at his office Mr. Alch came back to me after a meeting with Mr. Bittman and told me that I would be contacted by "a friend I have formerly known in the White House," and contacted that evening. I believe that was the substance of the conversation.

Q. How long had you known — when did you first know John or Jack Caulfield? A. I first met him in early 19 — early September, 1971. I had heard of him before.

Q. Where was he working at the time you first met him? A. At the White House.

Q. Did Mr. Caulfield later have any association with the committee? A. Yes, sir.

Q. And after that association did he go to one of the executive departments? Do you know which department? A. I believe it was the Treasury Department.

Q. Did you ever discuss with Mr. Liddy the exercising of electronic surveillance over the offices of Senator Muskie? A. Yes, sir.

Q. And — A. I will correct that, sir. We discussed the lease of a building. I don't recall electronic surveillance except in some broad general terms this might be a future target. There was nothing beyond that and this was stated in February, 1972.

Q. Now, Senator Muskie was one of the candidates for the Democratic nomination for President at that time? A. Yes, sir.

Q. Did you rent any office near the Muskie headquarters? A. I did.

Q. Where was this office located with reference to the headquarters of Senator Muskie? A. It was the next building to Senator Muskie's office.

Another Name for Liddy

Q. And I believe the lease was taken in your name and that of John B. Hayes? A. Yes, sir.

Q. Who was John B. Hayes? A. That was another name for Mr. Liddy.

Q. And later, Mr. McGovern took over these headquarters from Senator Muskie, did not he? A. I think after June 17, yes sir.

Q. Was there ever any discussion between you and Mr. Liddy about exercising any kind of surveillance over Senator McGovern's headquarters? A. There were, sir. They were in the context of the location of First Street primarily.

Q. And this room was rented for possible use of that commission, was not it? A. 1908 K Street was, yes sir.

Q. Did you ever make any effort to bug Senator Muskie's or Senator McGovern's headquarters? A. Never Senator Muskie's. Senator McGovern's, there was a visit to the office by me, I believe on two, or three occasions in toto, on one of which I had some electronic equipment with me but it was never installed because there were other people working there at the time.

Q. In other words, you never found any time that the office was empty? A. That is correct.

Q. You know who paid the rent on this office? A. Which one, sir?

Q. Up there by the Muskie and McGovern headquarters? A. The one at the Muskie office, Mr. Liddy furnished the funds for that and furnished a cashier's check to pay for it.

AFTERNOON SESSION

SENATOR BAKER. What was the electronic assignment that you had?

MCCORD. Installation of the technical bugging devices in the Democratic National Committee that were previously authorized by the Attorney General.

Q. Did you have instructions as to where they should be placed? A. Yes.

Where? A. In the offices themselves in connection with senior personnel officers of the Democratic National Committee and, specifically, Mr. O'Brien's telephone extension.

Q. How many bugs did you plant? A. Two.

Q. One of them was on Mr. O'Brien's telephone? A. That was an extension of a call director that was identified as Mr. O'Brien's. The second was Mr. Oliver's.

Q. The second one was where?

A. In a telephone that belonged to Mr. Spencer Oliver.

who is an executive director of the Democratic state chairmen of the organization.

Q. Were you specifically instructed by someone to plant those two bugs or just the O'Brien bug? Would you give us some detail on that?

A. Sure. Mr. Liddy had passed along instructions from Mr. John Mitchell. He set the priorities. Mr. Mitchell had stated priorities of the installation were, first of all, Mr. O'Brien's offices and such other installations as that might provide information of interest to Mr. Mitchell and to whoever else the monitoring was to go to beyond Mr. Mitchell.

Q. So the Oliver phone was bugged more or less by your choice, then, as distinguished from the O'Brien phone?

A. No, I think the basic choice was this: The wording from Mr. Liddy was that Mr. Mitchell wanted it placed in a senior official's office, if not Mr. O'Brien's office, some other; in other words, two such installations.

Q. Now, you weren't apprehended on this first occasion, Memorial weekend. What was the purpose of the second entry into the Democratic National Headquarters?

A. Mr. Liddy had told me that Mr. Mitchell, John Mitchell, liked the "takes", that is, the documents that had been photographed on the first entry into the Democratic National Committee headquarters, and that he wanted a second photographic operation to take place, and that in addition, as long as that team was going in, that Mr. Mitchell wanted, had passed instructions to Mr. Liddy, to check to see what the malfunctioning of the second device that was put in besides Mr. Oliver's, and see what the problem was because it was one of the two things—either a malfunction of the equipment or the fact that the installation of the device was in a room which was surrounded by four walls. In other words, it was shielded, and he wanted this corrected and another device installed.

He also said Mr. Mitchell wanted a room bug as opposed to a device on a telephone installed in Mr. O'Brien's office itself in order to transmit not only telephone conversations but conversations out of the room itself, beyond whatever might be spoken on the telephone.

Q. Would you describe for us then the responsibilities, if there was an additional responsibility, of those involved in the second break-in?

A. Mr. Liddy was in overall charge of the operation. Mr. Hunt was his assistant. Mr. Barker was the team captain of the group going in. My job was that of the electronic installation and the others of the group, the other Cuban-Americans, had functions divided into two categories; one of photographing certain documents, a couple of men had the func-

tion of generally being lookouts while we were inside.

Q. Did you employ Mr. Baldwin? A. Yes, I did.

Q. Did you contact him and ask him to come to Washington to discuss temporary employment which might ripen into permanent employment after the election?

A. No, sir, it was not put in that vein. I called Mr. Baldwin and asked him if he were interested in a job as a security officer for Mrs. John Mitchell, who we'd been asked to provide a security officer for. He stated that he would be interested.

Talks With Baldwin

I asked him to come to Washington the next morning and discuss the matters in connection with the discussions which took place that day between me and him and Mr. Fred LaRue, who made the subsequent interview of him.

Mr. Baldwin raised the question of whether or not there might be employment later. My statement to him roughly was that the position here at that point in time was only through November and that my assumption was that if he did a good job on it, there might be something else for him but there was no promise by me or Mr. LaRue, and I am sure Mr. Baldwin took it that way.

Q. Did you supply Mr. Baldwin with a .38 pistol? That was obtained, given to him by Mr. LaRue, who had the weapon in his office. It belonged to Mr. Jack Caulfield.

Q. Did you ever conduct electronic surveillance or clandestine activities against anyone other than the D.N.C., the Democratic National Committee, at the Watergate complex, and the McGovern headquarters which you have already described? A. No.

A. Mr. McCord, please tell me whether or not you knew that this sort of activity was illegal?

A. I knew certain things that came to me at the beginning of the operation and early in the operation which indicated that it might be legal, may well be legal; and I was so advised.

Q. By whom?

A. First of all, if I may explain, coming through Mr. Liddy and coming through my knowledge of the Attorney General, and that was that the Attorney General, first of all, had the authority on his own signature to approve wiretapping within the United States for either national security reasons or for domestic security reasons.

Q. What was your motivation? Why did you do this?

A. There were several motivations, but one of the basic motivations was the fact that this man, the Attorney General, had approved it in his offices over a series of meetings in which he had obviously to it, while he was the top legal officer of the United

States Government, and that the counsel to the President had sat in with him during such discussions; the fact that I was advised that it was within the Attorney General's purview and authority to authorize such operations if it were in the national interest to do so.

Motivation Question

Q. Did you believe that?

A. I believed that he had the authority to do it. I believed that several things—not only was I told certain things pertaining to some matters I previously testified to this committee regarding Las Vegas and an incident out there, but I was also aware that many things came over the Attorney General's desk that I was not privy to, that Mr. Liddy was not privy to, but which the Attorney General was privy to, matters which might come to him through highly sensitive sources, wiretap information, which might provide a justification for such an operation, a justification beyond what was known to me.

I can put it conversely as well. I knew that, I felt that the Attorney General in his position as the top legal officer, if this operation were clearly illegal, would turn it down out of hand, that he would have no trouble making a decision on the matter immediately. I knew from previous contact with him that he was a very decisive man, that he did not agonize over decisions, and yet apparently, he took this one under careful consideration and considered it for some 30 days in making the decision, and frankly, I had it, my conclusion was that he took it as well to higher authority and got a final approval from his superior before embarking upon this task.

Quite candidly and quite frankly, this is exactly my motivation, my reason, the basic motivation of mine for being involved.

Q. This was your assumption or your basis for judgment that the Attorney General must have done that? Do you have any evidence or any information that he did do that?

A. The evidence that the counsel to the President sat in with him, on the meetings of this and, therefore, both the White House was represented and the Attorney General of the United States were represented in this decision and that this 30-day delay to me, I drew the conclusion that the Attorney General himself had conveyed the decision to his own superior for final decision.

SENATOR TALMADGE. Any one else approach you about executive clemency besides Mr. Caulfield? A. I mentioned Mr. Hunt.

Q. Anyone else? A. Mrs. Hunt conveyed a message from Mr. Hunt. She was obviously speaking for anyone but himself. She was conveying it for him and so

NEW YORK TIMES

19 May 1973

SYMINGTON CITES
NEW DATA BY C.I.A.

By MARJORIE HUNTER

Special to The New York Times

WASHINGTON, May 18 — Senator Stuart Symington said today that new data just given the Senate Armed Services Committee made it "even more difficult for me to visualize the President" knew nothing about "White House attempts to use the Central Intelligence Agency to cover up the Watergate affair."

The new data consist of 12 memorandums of conversations that Sen. Vernon A. Walters, deputy director of the C.I.A., said that he made following conversations with White House aides last June, shortly after the break-in at the Democratic headquarters at the Watergate complex.

Senator Symington declined to disclose the exact contents of the memorandums but termed them "highly significant."

He said that he had sent copies to the Senate select committee on Presidential campaign activities, which opened a full-scale inquiry into the Watergate case yesterday, and to the United States Attorney, who is also investigating that case.

Testifying yesterday before the Senate Armed Services

Q. Can you give me details on that report?

A. One such report dealt with, as I recall, a funding operation that was reported in which the McGovern committee purportedly funded a so-called barnstorming tour of several members of the Vietnam Veterans Against the War on the West Coast, as I recall, starting from Los Angeles, Calif., and going up the Coast.

It came concurrently with some other information that that same group was planning violence at the Republican National Convention involving danger to, threats to life of individuals. I think that was succeeded very shortly, in a matter of days, by the indictment of members of the Vietnam Veterans Against the War at Tallahassee because of the violence that they did plan, including a number of things that would endanger the lives of the people at the Republican National Convention.

Q. Now, can you tell me precisely as to what the dates were in which this type of activity took place?

A. My best recollection would have been within the last two weeks of May, 1972.

Q. On how many different occasions did you receive this material? A. Almost daily, sir.

stated.

Q. Anyone beside Mr. Hunt or Mr. Caulfield approach you on the question of executive clemency? A. Yes, sir.

Q. Who? A. My attorney, Gerald Alch, A-L-C-H.

Q. Do you know who approached your lawyer about executive clemency? A. No, sir.

Q. Your testimony is that three different individuals approached you on the idea that you would plead guilty and keep quiet and as a result thereof you could expect executive clemency is that correct? A. Yes, sir, and I believe I mentioned a message conveyed, which mentioned executive clemency by Mr. Alch on Jan. 8 from another individual.

Q. Who was that individual? A. Mr. William Bittman.

Q. Did you ever have any conversations with Mr. Mitchell yourself about that operation? A. About the Watergate operation itself?

Q. Or any other surveillance or espionage? A. No, sir.

Q. How many different individuals talked to you and purported to speak for Mr. Mitchell about the Watergate operation or any other bugging operation? A. Speaking for Mr. Mitchell purportedly, Mr. Liddy only as speaking for Mr. Mitchell.

Q. Who else besides him? A. And Mr. Hunt raised the name of Mr. Mitchell in the context that I have testified to this morning, sir.

Q. Both Liddy and Hunt told you—A. Yes, sir.

Q. — That this operation had been approved by Mr. Mitchell? A. Yes, sir.

Q. Any others besides those two? A. No, sir.

Q. You testified this morning about a meeting in Mr. Mitchell's office. Was there more than one meeting with the Attorney General or only one? A. I just said there were more than one meeting.

Q. In which you personally were involved? A. I did not attend but I was told by Mr. Liddy there was more than one meeting that took place. I had heard him mention two specifically.

Q. Did you yourself ever attend a meeting in Mr. Mitchell's office? A. No, sir.

On any matter? A. I attended meetings, yes, in his office at the Committee to Re-elect the President when he subsequently came over and I visited at his offices at the Attorney General's office at the Department of Justice in December on another matter but not to discuss these particular operations.

ENATOSR WEICKER. Did you or the Committee to Re-elect the President receive reports from the Internal Security Division of the Justice Department. A. Yes, sir, I did.

Q. Was Mr. Mardian head of that Division? A. He had

been, sir.

Q. Did you receive copies of F.B.I. reports?

A. I can explain a partial answer to that, sir, if you want me to, an answer that involves F.B.I. reports.

I have raised with, I believe, Mr. Odle the problem of receiving adequate information concerning violence in demonstrations that might affect the committee headquarters in Washington and subsequently, the committee headquarters in Miami, and I asked if there were any way in which there could be some type of liaison to receive information from the F.B.I. specifically, because I knew that they would have information that was not available to us and we knew that such information was being made available to other parties for the convention itself if it directly affected those parties.

As I recall, he sent a memorandum to Mr. Mitchell asking for approval of my contact with that organization.

The next that I heard was a call from Mr. Mardian in which he referred to that memorandum and he stated that Mr. Mitchell had given approval to my contact to acquire that type of information and that I should go to the Internal Security Division of the Department of Justice where such information as did affect, might affect, the security of the committee would be made available to me, some of which was as I have described in those reports, yes, sir.

Q. So you received data from the Internal Security Division of the Justice Department? A. I did.

Q. And you received data from the F.B.I.? A. Not from the F.B.I. directly, no, sir.

Q. From whom did you receive such data? A. From the Internal Security Division. I do not believe the F.B.I. was ever aware of that.

Q. You say there was a subsequent memorandum? A. The memorandum which Mr. Odle wrote on this subject I subsequently received, which had Mr. Mitchell's initials on it.

Q. Do you feel or do you know whether or not similar information, similar access to this information was given to the Democratic party? A. I understood that they did have through some channels some access to information on this type; whether it came from that office, I do not know.

Q. Now I would like you to describe for me as best you can types of information, further detail, that you received from the Internal Security Division. Did you receive from the Internal Security Division, for example, or from the F.B.I. any information as it related to the candidates of their staffs? A. Yes, sir, there was one such report that I do recall specifically.

Committee, General Walters disclosed that he had recently visited the White House to talk with J. Fred Buzhardt Jr., who was named recently by President Nixon as special counsel for the Watergate investigation.

General Walters told the committee that, at the suggestion of Mr. Buzhardt, he had turned over to the White House some memorandums he had made last June of his recollections of conversations with Presidential aides.

At the direction of the Armed Services Committee, General Walters retrieved the memorandums from the White House late yesterday and delivered them to Senator Symington.

The memorandums are said to recount, in far more extensive detail, a series of meetings that General Walters had told about in an affidavit presented earlier this week to several Congressional committees.

In that affidavit, he told of meetings at which three top White House aides — H. R. Haldeman, John D. Ehrlichman and John W. Dean 3d — attempted to persuade the C.I.A. to cover up the Watergate affair.

The general cited meetings at which he said the C.I.A. had been asked to persuade the Federal Bureau of Investigation to halt inquiry into Nixon campaign funds that had been "laundered" through a Mexico City bank and later used, at least in part, to finance various undercover activities by the Presidential Re-election committee.

He also told of being asked by Mr. Dean to pay the salaries and bail of the men caught in the Watergate burglary, in an apparent effort to make the crime seem to be a legitimate national security matter.

He said that his agency had rejected both overtures. He also said that he had suggested to Mr. Dean that those responsible for the Watergate affair be dismissed.

Senator Symington said yesterday, before receiving the memorandums of conversation, that it appeared clear to him that there had been a "high level" attempt by the White House to involve the C.I.A. in covering up the Watergate.

He also said yesterday that General Walters and other present and past C.I.A. officials had testified that they did not know if President Nixon knew of the attempted cover-up of the Watergate affair.

However, Senator Symington added then: "It's hard for me to visualize that the President knew nothing about this."

In his statement today, the Senator hinted—but did not say—that there may have been material in the Walters memorandums indicating that White House aides had specifically said that their requests for C.I.A. help were being made with full knowledge of the President.

Meanwhile, two other Congressional committees have announced plans to inquire further into possible C.I.A. involvement in the Watergate affair.

Senator John L. McClellan

Democrat of Arkansas, announced that an Appropriations subcommittee that he heads had invited four former White House aides—Mr. Haldeman, Mr. Ehrlichman, Mr. Dean and David R. Young Jr.—to testify about their alleged demands for C.I.A. help in both the Watergate and Pentagon papers cases. C.I.A. officials, in the last week, have told various Congressional committees that it was Mr. Young who had asked the agency to prepare a "personality assessment" on Dr. Daniel Ellsberg, who later was indicted on charges involving his copying and making public the Pentagon papers.

WASHINGTON POST

20 May 1973

Lie Test Used On Defense, CIA Officials

By Laurence Stern

Washington Post Staff Writer

High officials of the Pentagon, CIA and State Department were subjected to lie detector tests during a 1971 White House investigation of news leaks on U.S. Soviet arms limitation talks, a senior government official disclosed yesterday.

The attitude of the White House at the time was described as "almost paranoid."

This was during the period that the Nixon administration ordered wiretaps on the phones of National Security Council staff members and newspaper reporters, measures which are now being investigated by acting FBI Director William D. Ruckelshaus.

It has previously been acknowledged by Secretary of State William P. Rogers that a few — perhaps "three or four" — State Department officials were given polygraph tests in the fall of 1971.

But the pervasiveness of the polygraph testing of senior government officials had not been hinted at in the earlier disclosure.

The White House investigation, it was authoritatively reported, was tightly centralized in the White House and bypassed the normal security operations of the agencies most directly concerned with the leaks.

The newspaper stories that triggered the extraordinary White House measures, according to the sources, dealt with U.S. missile capabilities and the American nuclear first-strike capability.

It was in the context of this "tremendous concern"

in the White House, these sources noted, that the CIA acquiesced in White House demands that it provide technical assistance to Watergate conspirators E. Howard Hunt Jr. and G. Gordon Liddy during 1971.

White House pressure on the CIA to become implicated in the national security investigation and, later, the Watergate cover-up, is the subject of four separate congressional investigations.

CIA witnesses, including former director Richard M. Helms and his successor, James R. Schlesinger, have told various congressional committees that the White House requests were made with a clear suggestion of presidential sanction.

Top presidential aides H. R. (Bob) Haldeman, John D. Ehrlichman and former White House counsel John W. Dean III, were all named as having demanded the agency's participation in the successive security and cover-up operations.

By statutory charter the agency is proscribed from carrying out domestic surveillance, police and internal security functions.

Sen. Henry M. Jackson (D-Wash.) said yesterday that the congressional inquiries into CIA involvement in Watergate will precipitate a constitutional confrontation between the White House and Congress on the issue of executive privilege.

"It's headed for a showdown," Jackson said in an interview with United Press International. The crunch will probably come, he predicted, with the expected refusal by Ehrlichman and Haldeman to testify before the congressional committees of inquiry. In that event the courts would have to rule on contempt citations for the former White House aides.

Jackson is a member of the Senate Armed Services Committee, which is conducting one of the Capitol Hill inquiries. Separate investigations are in progress in the Senate Appropriations and Foreign Relations Committees and a House subcommittee on intelligence operations.

Only the Senate Joint CIA Oversight Committee, which was specifically charged with reviewing CIA operations, has not gotten into the act. It has been dormant, without having met for more than 15 months.

It has been in its comatose state since the Senate agreed to add Foreign Relations Committee Chairman J. W. Fulbright (D-Ark.), a frequent critic of agency operations, as an ex-officio member.

gate investigating committee of Sen. Sam J. Ervin Jr.

(D-N.C.) looking into the CIA-Watergate ties at this point. Ervin's current position is that the subject is not central to the Watergate investigation.

On balance, however, congressional scrutiny of the CIA has suddenly gone from famine to feast, a situation probably unprecedented in the 26-year history of relations between the agency and Congress.

Helms goes before what promises to be a grueling session of the Senate Foreign Relations Committee Monday, where he will be questioned closely on discrepancies between his testimony earlier this year and surfaced in the past week.

Several members of the committee are known to be deeply angered at Helms' prior disclaimers of agency involvement with Hunt, Liddy and the Watergate case. There has been talk within the committee of transmitting the earlier Helms testimony to the Justice Department for possible action.

Questions about the CIA's implication in Watergate and other domestic operations were raised at Helms' nomination hearing early this year and two subsequent Foreign Relations Committee sessions on Feb. 7 and March 5, both closed proceedings.

Several committee members feel that Helms was less than truthful in his answers—or at best that he

was responding to the committee on the narrowest grounds of technical truth (the spy paraphernalia was for the Ellsberg break-in and Helms apparently did not accede to the massive White House pressures to become implicated in the Watergate cover-up, and said nothing of either episode) to speak of the massive White House pressures on himself and subordinates to become implicated in the case.

Some members of the committee are of a mind to censure Helms. Others with closer ties to the intelligence establishment, such as Sen. Stuart Symington (D-Mo.), are more sympathetic.

One of the innumerable CIA colleagues of Helms put the dilemma of the former CIA director in this manner:

"Dick was under no moral compulsion to conceal the White House involvement because of any special relationship with the President. He was summoned to Camp David to see the President last December and fired without advance notice. The President patted him on the back and said, in effect, 'You did a great job but I don't want you around any more.'"

"It all becomes a private judgment on how one behaves. I don't see how someone who has lived in the discipline of the government for nearly 40 years can change overnight."

NEW YORK TIMES
19 May 1973

Statement by Caulfield

Special to The New York Times

WASHINGTON, May 18— Following is the text of a statement by John J. Caulfield read to newsmen by Mr. Caulfield in the office here of his attorney, John P. Sears:

I have briefly reviewed Mr. McCord's statement before the Senate select committee, and while it does not fully reflect my best recollection of the events which took place between he and I during any part of this year, it is true that I met with Mr. McCord on three occasions in January and conveyed to him certain messages from a high White House official. I have fully disclosed my past associations with Mr. McCord and

all other relevant matters to the United States attorney's office and have been questioned on two occasions by investigators from the Senate select committee.

Mr. McCord has been, and continues to be, a personal friend of mine. Even though I may disagree with certain aspects of his statement and testimony, I am sure he has tried to recall our conversations fully and fairly, as I have. I shall be happy to testify before the Senate committee when called and hope that my testimony will prove helpful to the committee.

I will have no further comment until I testify before the Senate committee.

WASHINGTON POST

20 May 1973

Kissinger Stung

Anguished Adviser Fights Stain Of Watergate in Staff Wiretap

By Murrey Marder
Washington Post Staff Writer

For presidential adviser Henry A. Kissinger this is one of the most anguishing periods in his skyrocketing career.

The odd mixture of problems that ensnared him last week were bizarre in global terms. The challenges this time to the preeminent world power broker did not come from Moscow, Peking, or even Hanoi, but from Washington.

Kissinger was struggling to preserve his credibility in a dispute over the wiretapping of his National Security Council staff that threatened to splash him with the stain of Watergate. At the same time, a 24 to 0 vote in the Senate Appropriations Committee against further U.S. bombing in Cambodia put him into talks to salvage the splintered Vietnam cease-fire with the weakest bargaining hand that Kissinger ever has been dealt in a major negotiation.

There is no sign that it is the negotiating task in Paris that most troubles Kissinger, nevertheless. Instead, Kissinger is described by close associates as dismayed that he is now becoming besmirched, totally unjustifiably, he and his associates insist, by what he publicly described on April 23 as "the awfulness of events and the tragedy that has befallen so many people" in the Watergate sequence. Kissinger expressed alarm then that "an orgy of reelimination" may sweep the country and undermine the great stake of the world in the stability of the United States. He was calling then for "compassion" — for others in the White House.

The wiretapping controversy over his NSC staff that now has leaped into the headlines caused Kissinger last week to anguish more personally than ever about his own stake and reputation, on an issue of propriety in which he pleads innocence.

During the past week Kissinger emotionally had told old friends here and abroad that he has been considering resigning from his powerful White House post if he could think of a way to do so decently, without jeopardizing everything he has helped to build during his extraordinary White House career. Kissinger is reported to have said that he cannot

Above all, Haig is said to have emphasized that equating Watergate and the dissimilar wiretapping could not only undermine Kissinger personally, but would endanger high national interests. Kissinger will be a major figure in the Washington visit next month scheduled for Soviet leader Leonid I. Brezhnev, and Kissinger unquestionably is the foremost strategic planner for all American foreign policy.

Other White House staff members, including Kissinger himself, similarly underscored to newsmen the stakes involved in what some described as an "unthinking escalation" of a minor dispute.

Beyond these considerations, Kissinger also has told old friends that he is uncertain about the implications of President Nixon's announcement on May 10 that John B. Connally will become a part-time presidential adviser on foreign as well as domestic affairs.

For a year or more it has been an open secret in Washington that Kissinger regarded his intricate diplomatic style of operation, and the former Treasury Secretary's tough, freebooting style, as totally incompatible.

It should be emphasized, nevertheless, that there is no current evidence whatsoever that Kissinger is actually on the verge of resigning.

His friends stress that Kissinger has gone through similar "anguishing" sequences before in which he has talked about choosing an appropriate time to resign, when he could step out of the White House with his prestige high and his accomplishments undimmed.

Some of his closest admirers urged him to do so when he completed the Vietnam cease-fire negotiations at the end of January.

At that time Kissinger's prestige was at its peak, with the Vietnam cease-fire on paper and unchallenged, and with global successes in Peking and in Moscow festooning the Kissinger record.

Now, once again, it is Kissinger's personal relationships in the White House, and his own prestige and authority, rather than international challenges, that trouble him most.

His task in Paris is no simple one. In the Indochina negotiations, as one diplomat characterized the situation, "Kissinger has a stick and a carrot to bargain with—but he cannot be certain he can deliver either one."

The stick is the threat, re-

newed yesterday by President Nixon, that the United States will not "stand by and permit the settlement reached in Paris to be systematically destroyed . . ." The carrot is postwar American reconstruction aid, to North Vietnam, pledged in the Vietnam agreement. But Congress holds blocking power on the threat and the enticement, and Congress is now turning a stonier eye on all presidential power.

At week's end in Paris, Kissinger was trying to fend off alternating questions from newsmen about the status of the Indochina talks and persistent demands for further explanations about the wiretapping of associates on the NSC staff.

To Kissinger's old adversary, North Vietnam politburo member Le Duc Tho, that could have supplied reason enough to smile in the photographs taken at intervals during the new talks, no matter how the negotiations were going. Kissinger was smiling also, noted newsmen who were given little else to record. But Kissinger had little to smile about when he left Washington for Paris.

Kissinger may ultimately emerge from the Paris negotiations with enough success in patching up the Indochina cease-fire accord to bring him even more international acclaim.

If he does, many admirers are convinced, the controversy over the wiretapping dispute will be relegated to an insignificant incident in the spectacular Kissinger career.

But others in Washington, including supporters of Kissinger's global accomplishments, question that assumption.

The "dam has now broken" on a more searching examination of all relationships inside the White House, including Kissinger's powers, as a result of the Watergate scandal, it is now argued by many veterans of power politics in Washington.

One Senate source said yesterday that when the normally conservative Senate Appropriations Committee unanimously joined in turning on President Nixon's Cambodian bombing policy, the message was that "the old magic is gone" for the Nixon administration's foreign policy establishment.

As the Watergate inquiry unfolds, Kissinger's exceptional authority, across the entire bureaucratic structure of national security, can also come under more skeptical scrutiny than ever.

Kissinger's position in the power structure inside the

White House was unique to start with in January, 1969. He came in as an outsider to the Nixon loyalists, indeed a suspect outsider. The intellectuals he brought with him into the White House were even more suspect.

As a foreign policy adviser to New York's Gov. Nelson Rockefeller, Mr. Nixon's rival for the Republican presidential nomination, Kissinger automatically was a member of the "enemy camp" inside the GOP. He also was known to have made personally caustic remarks about Mr. Nixon during the 1968 Republican National Convention in Miami, reportedly saying at one point, "He is not fit to be President."

President Nixon, however, had high regard for Kissinger's brand of strategic thought in his probing writing on nuclear strategy. Once in the White House, Kissinger's abilities soon catapulted him into a position of eminence that both brought him acclaim and cast him into a posture of increased rivalry with the original loyalists on the White House staff.

In order to survive the internal bureaucratic rivalries, former associates say, Kissinger was compelled to make compromises. One ex-

ample of these compromises, it is now said, was the White House decision to wiretap Kissinger's NSC associates.

A half-dozen contradictory versions are now circulating in Washington about exactly what happened to produce the wiretap order, including several competing versions attributed to Kissinger himself.

Kissinger has told some friends that initially he flatly refused to go along with the wiretapping, it was ordered over his adamant opposition, and he was compelled to go along. According to other accounts, Kissinger was not reluctant in agreeing to the order, but was carried along with the "panic" generated in the White House by "massive" leaks of security information to the press.

There are still other versions that Kissinger himself was suspicious about his colleagues, not primarily on security grounds, but for what they were saying to outsiders about him.

Still another explanation offered is that the Haldeman-Ehrlichman branch of the White House staff was at least equally concerned with imposing "political loyalty" on Kissinger's staff and that the wiretapping served a convenient dual

purpose.

While Kissinger has said he was not responsible for putting any names on the tapping lists, several unnamed FBI sources, resentful over what they regard as an attempt to shift responsibility to the bureau, have charged that Kissinger and Haldeman personally put names on the list by telephone or oral instructions.

Haig, described by some ex-NSC staffers as "the torpedo" in the NSC staff, is reported to have been a zealot in this and other disciplinary practices.

Very early in the Kissinger operation, it is said that Haig developed his own special alignment with the Haldeman-Ehrlichman branch which helped to build his prestige with President Nixon, catapulting Haig from a colonel to a four-star general during the Nixon administration.

Others, however, regard Haig's earlier functions on Kissinger's NSC staff in part as a major and very necessary bridge between Kissinger's intellectuals and the tough-minded managerial class in the White House.

Tales of back-biting, duplicity and misrepresentation inside the NSC staff, and between the NSC staff and other offices in the White

House, are cascading around Washington, now that "the dam has broken." Kissinger's own veracity is being challenged, as well as his morality.

Kissinger's own stature, and methods of operation, are unique in Washington. An acknowledged "egomaniac," and sometimes even he adds, "paranoic," he has been able to keep a foot in the camp of the doves as well as the camp of the hawks. His supporters range from Sen. Barry Goldwater (R-Ariz.) to numerous powerful members of the so-called Eastern liberal press.

While Kissinger has had crashing fallingsouts with members of the academic community, notably over President Nixon's 1970 Cambodian invasion order, his dramatic successes in foreign policy have repaired many of the estrangements.

To diplomatic adversary Le Duc Tho as well as the leaders in Peking and Moscow, it must seem ludicrous that a wiretapping incident could so wound a man with Kissinger's power. His power is inescapably derivative; it is lodged in the President. Whatever is cast up in the supercharged atmosphere of the Watergate investigations carries some risk of touching Kissinger.

WASHINGTON POST
19 May 1973

Tom Braden

...and Protecting the Innocent

In the unfolding of any scandal, there is a seemingly inevitable moment when investigation and factual-minded comment give way to sanctimonious self-righteousness. It is a dangerous moment because the next step is abdication of responsibility in blanket indictment and bootless breast beating.

In the Watergate affair, we may be witnessing that moment right now. Thus, if Henry Kissinger and his former assistant, Gen. Alexander Haig, are considered to have been "compromised" by the Watergate, what is the next step?

Why, of course: Kissinger is "on trial"; Haig has "dirty hands"; government is "corrupt," and what we need now is to "change the whole spirit." Such comment strikes me as being much more akin to the creek bed and a total immersion than it is to the prosecution of guilty men.

And yet such comment is current in this city as the disclosure that Kissinger read wiretaps on his own employees gets headlines almost as large as those which greeted the first revelations by James McCord.

Are we so engrossed in scandal that we have lost any sense of distinction between scandal and government? I do not suggest that the nature of this

singer sitting in his office poring over wiretaps on his own associates is a pretty one. But it ought not to shock those who have been around Washington very long, or those who have any sense of what the words "national security" mean. Is the government to have no secrets? Is there no recourse against those who sit at meetings in which strategy is planned and outlined and then telephone reporters to tell them what went on?

That was the reason why the wiretaps were authorized. Kissinger did not authorize them. He refused to request them. But he suspected that someone in his office was telling reporters about actual discussions at meetings in which decisions on policy toward Vietnam, North Korea and Israel were made. Kissinger refused to say who made the decision to wiretap in order to find out where the leaks were coming from. He admits that he did not object to the decision.

That points to the President. If Mr. Nixon did make the decision to put taps on people in the White House, it was not one of his historic firsts.

Moreover, it was not only legal; it was reasonable. How else could he stop the leaks? Moreover, to attack Mr. Nixon for stopping leaks is to give him the kind of national security blanket

for the Watergate which his recent reference to the threat of "mob violence" suggests that he is looking for.

Gen. Haig's testimony at the Daniel Ellsberg trial seems even less reprehensible. What did Haig do? The prosecution at the trial asked him to appear and to testify as to his duties and as to the exact nature of the duties of Dr. Morton Halperin, one of the employees on the National Security Council staff who had been wiretapped. Haig and Kissinger met to decide on the limits of Haig's testimony. Haig appeared; answered questions truthfully and went his way. In what possible sense can he be said to be "compromised"? He did not accuse Halperin; he defined Halperin's duties. Was this wrong?

There must be some point at which those who are conducting government may be permitted to go about the business without being suspected of engaging in a plot to disrupt an election, spy upon the opposition or raise and disburse illegal funds.

If everybody is "compromised" by the Watergate, then nobody is compromised, and people who were guilty of monstrous deceit and crime will escape public stigma in the kind of "orgy of recrimination" against which Kis-

22 May 1973

Memo by Walters Disclosed on Hill

By Laurence Stern
Washington Post Staff Writer

The deputy director of the Central Intelligence Agency has made a written allegation that White House chief of staff H. R. (Bob) Haldeman told him "it is the President's wish" that the CIA seek to block an important phase of the Watergate investigation.

Gen. Vernon Walters made this assertion in a memorandum he wrote shortly after a White House meeting on June 23, 1972, between himself and Haldeman, presidential aide John D. Ehrlichman and CIA Director Richard Helms.

This disclosure was made yesterday by Sen. Stuart Symington (D-Mo.) in the course of a Senate Foreign Relations Committee hearing to question Helms on pressures by White House aides on the CIA to help cover up the Watergate trail.

It was the most direct allegation by a high-ranking government official indicating presidential involvement in efforts to impede the Federal Bureau of Investigation's inquiry into the Watergate case.

Walters in previous statements and Helms yesterday provided details of the requests by Haldeman and other White House aides to have the CIA intercede with the FBI in calling off investigation of the "laundering" of Watergate funds through a Mexican bank account.

It has already been disclosed that some \$100,000 in Nixon re-election funds were passed through a Mexico City bank and ended up in the safe of Maurice H. Stans to finance Watergate and other operations in the 1972 campaign.

Symington interrupted the questioning of Helms yesterday to drop his bombshell, which was based on one of 11 still-secret memos written by Walters in the course of the White House-CIA contacts.

In his memo on the June 23 meeting, Symington related, Walters reported that "Mr. Haldeman turned to General Walters and said, 'It is the President's wish that you go to see Mr. Gray.'"

Walters was to tell acting FBI Director L. Patrick Gray III that any investigation into the Watergate scandal's Mexican connec-

tion would jeopardize CIA operations. It was clear from the testimony that Helms' authority as CIA director was bypassed by the White House aides in their demand that Walters convey the proposal to Gray.

Walters had served as a translator to President Nixon on foreign trips both during his vice presidential and presidential terms and the two men were considered friends.

Within an hour after the June 23 meeting the deputy CIA director was given an appointment with Gray. Walters relayed to Gray the concern of "senior White House officials" that the Mexican investigation would jeopardize CIA activities, according to Walters' own testimony.

After consultation with Helms, however, the CIA took the position that the FBI inquiry would in no way jeopardize CIA activities in Mexico. The agency, in effect, turned down the White House request.

Helms testified yesterday that he had no independent recollection of the Haldeman remark but he did not take issue with Walters' memorandum on the June 23 meeting, which was called by Haldeman six days after the Watergate break-in.

Helms did recall a Haldeman statement that "the opposition" was "capitalizing" on the Watergate episode. Haldeman, Helms recalled, "also made an incoherent statement about the Bay of Pigs investigation" at the time. The former CIA director said he told the White House aides he had no interest in the Bay of Pigs.

"I did not have any idea of what the Mexican investigation was about," Helms testified. He said he then took the position with Walters that there was no CIA involvement in the case.

Asked why neither he nor Walters went directly to the President about the incident, Helms said:

"My total preoccupation was in keeping the CIA uninvolved in the matter. I was successful in doing that so far as I was concerned. . . I wanted to stay as the

head of the agency to keep it out of it (the Watergate scandal). It is always a question of moral judgments and I was doing the best I could do."

Yesterday's hearing also raised publicly, for the first time, the question of whether Helms was replaced as CIA director in reprisal for his refusal to cooperate with the White House staff in the alleged cover-up effort.

Asked directly by Sen. Charles H. Percy (R-Ill.) whether there was any connection between his departure from the agency and his refusal to cooperate in the cover-up, Helms replied:

"I don't know. I talked to the President and I think our conversation is privileged. At no time in that conversation was Watergate or anything else mentioned."

Helms was summoned to Camp David by the President several weeks after the 1972 election and informed he was being replaced as director. One close and longstanding associate of Helms in the agency and one senator close to the case claim that Helms was summarily fired without advance notice.

In only one remark yesterday did Helms reveal what colleagues describe as his personal bitterness over the sudden wrench in his lifelong CIA career.

"Giving assistance to the presidency," he said, "has not been a crime until relatively recently."

Yesterday's hearing at times took on the aspect of a rite of personal vindication for Helms, with half a dozen senators praising him for his refusal to give in to the White House pressures.

"I think this country is in mortal danger when the Secret Service or the FBI are used for political purposes . . . or there is a prostituting of the professional services of the CIA," said Sen. Hubert H. Humphrey (D-Minn.). "I appreciate your and General Walters' readiness to stand up to the pressures."

"I am convinced when the full story is known," Symington told Helms, "we will all agree that the career professionals of the two agencies — Helms of the CIA and Hoover of the FBI — did all they could to prevent efforts to undermine the things we all stand for . . . You stand high as public servants."

Several senators took Helms to task for denying, in prior appearances before the committee this year, any agency involvement with Hunt as well as failing to disclose the White House pres-

ures on the agency. The most forceful complaints came from Foreign Relations Committee chairman J. W. Fulbright (D-Ark.) and Sen. Clifford P. Case (R-N.J.).

Helms insisted, though, that his answers were truthful in the context of the questions. In any event the complaints subsided in the general swell of praise for Helms and his deputies in turning down the White House proposals for CIA involvement in Watergate.

During the morning-long questioning Helms was asked about earlier White House efforts, during 1971, to get CIA assistance in the investigation of Pentagon Papers defendant Daniel Ellsberg as well as a series of news leaks on national security issues.

He testified that former National Security Council staff aide David Young told him that the requests to the CIA for internal security assistance were backed by national security adviser Henry A. Kissinger, as well as Ehrlichman, in 1971.

The CIA did provide—reluctantly, as Helms put it—the Ellsberg profile. It also made available disguise kits and other paraphernalia to Watergate conspirator E. Howard Hunt in July, 1971, without knowing the purpose of the equipment.

White House aide Ehrlichman requested that the CIA provide the assistance to Hunt for an undisclosed purpose. The mission turned out to be the burglary of the office of Ellsberg's psychiatrist, Dr. Lewis Fielding, of Beverly Hills, Calif., in September, 1971.

Helms said he ordered the help to Hunt terminated when he learned that the ex-CIA agent had requested the detaining of a CIA secretary from Paris to his own operations.

"I told Cushman it was going too far," Helms testified. "We were being used in this situation. I told him to call Ehrlichman and have it stopped." Gen. Robert E. Cushman at the time was deputy CIA director.

In a related development yesterday, Sen. John L. McClellan (D-Ark.), chairman of the Senate Appropriations Subcommittee on Intelligence Operations, announced that his panel has called Walters to testify on Wednesday and Gray on Thursday. The subcommittee is looking into the CIA's role in Watergate and the Pentagon Papers case.

McClellan also said Haldeman and Ehrlichman have agreed to appear May 30, and that Young and former White House counsel John W. Dean III have been invited to testify.

BAITMORE SUN
23 May 1973

Text of the President's statement on Watergate, national security

Washington Bureau of The Sun

Washington — President Nixon's statement yesterday regarding the Watergate scandal:

Allegations surrounding the Watergate affair have so escalated that I feel a further statement from the President is required at this time.

A climate of sensationalism has developed in which even second- or third-hand hearsay charges are headlined as fact and repeated as fact.

Important national security operations which themselves had no connection with Watergate have become entangled in the case.

As a result, some national security information has already been made public through court orders, through the subpoenaing of documents and through testimony witnesses have given in judicial and congressional proceedings. Other sensitive documents are now threatened with disclosure.

Continued silence about those operations would compromise rather than protect them, and would also serve to perpetuate a grossly distorted view—which recent partial disclosures have given—of the nature and purpose of those operations.

The purpose of this statement is threefold:

First, to set forth the facts about my own relationship to the Watergate matter.

Second, to place in some perspective some of the more sensational—and inaccurate—of the charges that have filled the headlines in recent days, and also some of the matters that are currently being discussed in Senate testimony and elsewhere.

Third, to draw the distinction between national security operations and the Watergate case. To put the other matters in perspective, it will be necessary to describe the national security operations first.

In citing these national security matters, it is not my intention to place a national security "cover" on Watergate, but rather to separate them out from Watergate—and at the same time to explain the context in which certain actions took place that were later misconstrued or misused.

Long before the Watergate break-in, three important national security operations took place which have subsequently become entangled in the Watergate case.

The first operation, begun in 1969, was a program of wiretaps. All were legal, under the authorities then existing. They were undertaken to find and stop serious national security leaks.

The second operation was a reassessment which I ordered in 1970, of the adequacy of internal security measures. This resulted in a plan and a directive to strengthen our intelligence operation. They were protested by Mr. Hoover, and as a result of his protest they were not put into effect.

The third operation was the establish-

ment in 1971, of a special investigations unit in the White House. Its primary mission was to plug leaks of vital security information. I also directed this group to prepare an accurate history of certain crucial national security matters which occurred under prior administrations, on which the government's records were incomplete.

Here is the background of these three operations initiated in my administration.

By mid-1969, my administration had begun a number of highly sensitive foreign policy initiatives. They were aimed at ending the war in Vietnam, achieving a settlement in the Middle East, limiting nuclear arms, and establishing new relationships among the great powers.

These involved highly secret diplomacy. They were closely interrelated. Leaks of secret information about any one could endanger all.

Exactly that happened. News accounts appeared in 1969, which were obviously based on leaks—some of them extensive and detailed—by people having access to the most highly classified security materials.

There was no way to carry forward these diplomatic initiatives unless further leaks could be prevented. This required finding the source of the leaks.

In order to do this, a special program of wiretaps was instituted in mid-1969 and terminated in February, 1971. Fewer than 20 taps of varying duration, were involved. They produced important leads that made it possible to tighten the security of highly sensitive materials.

I authorized this entire program. Each individual tap was undertaken in accordance with procedures legal at the time and in accord with long-standing precedent.

The persons who were subject to these wiretaps were determined through coordination among the director of the FBI, my assistant for national security affairs, and the attorney general. Those wiretapped were selected on the basis of access to the information leaked, material in security files, and evidence that developed as the inquiry proceeded.

Information thus obtained was made available to senior officials responsible for national security matters in order to curtail further leaks.

1970 INTELLIGENCE PLAN

In the spring and summer of 1970, another security problem reached critical proportions. In March a wave of bombings and explosions struck college campuses and cities. There were 400 bomb threats in one 24-hour period in New York city. Rioting and violence on college campuses reached a new peak after the Cambodian operation and the tragedies at Kent State and Jackson State.

There were nearly 1,800 campus demonstrations, and nearly 250 cases of arson on campus.

Many colleges closed. Gun battles between guerrilla-style groups and police were taking place. Some of the disruptive activities were receiving foreign support.

Complicating the task of maintaining security was the fact that, in 1966, certain types of undercover FBI operations that had been conducted for many years had been suspended. This also had substantially impaired our ability to collect foreign intelligence information. At the same time, the relationships between the FBI and other intelligence agencies had been deteriorating. By May, 1970, FBI Director [J. Edgar] Hoover shut off his agency's liaison with the CIA altogether.

On June 5, 1970, I met with the director of the FBI [Mr. Hoover], the director of the Central Intelligence Agency [Richard Helms], the director of the Defense Intelligence Agency [Gen. Donald V. Bennett] and the Director of the National Security Agency [Adm. Noel Gayler].

Need for better intelligence

We discussed the urgent need for better intelligence operations. I appointed Director Hoover as chairman of an interagency committee to prepare recommendations.

On June 25, the committee submitted a report which included specific options for expanded intelligence operations, and on July 23 the agencies were notified by memorandum of the options approved. After reconsideration, however, promoted by the opposition of Director Hoover, the agencies were notified five days later, on July 28, that the approval had been rescinded. The options initially approved had included resumption of certain intelligence operations which had been suspended in 1966. These in turn had included authorization for surreptitious entry—breaking and entering, in effect—on specified situations related to national security.

Because the approval was withdrawn before it had been implemented, the net result was that the plan for expanded intelligence activities never went into effect.

The documents spelling out this 1970 plan are extremely sensitive. They include—and are based upon—assessments of certain foreign intelligence capabilities and procedures, which of course must remain secret. It was this unused plan and related documents that John Dean removed from the White House and placed in a safe deposit box, giving the keys to Judge Sirica. The same plan, still unused, is being headlined today.

Coordination among our intelligence agencies is essential to all short of our national security needs. In July, 1970, having earlier discontinued the FBI's

liaison with the CIA, Director Hoover ended the FBI's normal liaison with all other agencies except the White House. To help remedy this, an Intelligence Evaluation Committee was created in December, 1970. Its members included representatives of the White House, CIA, FBI, NSA [National Security Agency], the Departments of Justice, Treasury, and Defense, and the Secret Service.

The Intelligence Evaluation Committee and its staff were instructed to improve coordination among the intelligence community and to prepare evaluations and estimates of domestic intelligence. I understand that its activities are now under investigation. I did not authorize nor do I have any knowledge of any illegal activity by this Committee. If it went beyond its charter and did engage in any illegal activities, it was totally without my knowledge or authority.

THE SPECIAL INVESTIGATIONS UNIT

On Sunday, June 13, 1971, The New York Times published the first installment of what came to be known as "the Pentagon papers." Not until a few hours before publication did any responsible government official know that they had been stolen. Most officials did not know they existed. No senior official of the government had read them or knew with certainty what they contained.

All the government knew, at first, was that the papers comprised 47 volumes and some 7,000 pages, which had been taken from the sensitive files of the departments of State and Defense and the CIA, covering military and diplomatic moves in a war that was still going on.

Moreover, a majority of the documents published with the first three installments in the Times had not been included in the 47-volume study—raising serious questions about what and how much else might have been taken. There was every reason to believe this was a security leak of unprecedented proportions.

It created a situation in which the ability of the government to carry on foreign relations even in the best of circumstances could have been severely compromised. Other governments no longer knew whether they could deal with the United States in confidence.

Against the background of the delicate negotiations the United States was then involved in on a number of fronts—with regard to Vietnam, China, the Middle East, nuclear arms limitations, U.S.-Soviet relations, and others—in which the utmost degree of confidentiality was vital, it posed a threat so grave as to require extraordinary actions.

Therefore, during the week following the Pentagon papers publication, I approved the creation of a special investigations unit within the White House—which later came to be known as the "plumbers." This was a small group at the White House whose principal purpose was to stop security leaks and to investigate other sensitive security matters. I looked to John Ehrlichman for the supervision of this group.

Egil Krogh, Mr. Ehrlichman's assistant, was put in charge. David Young was added to this unit, as were E. Howard Hunt and G. Gordon Liddy.

The unit operated under extremely tight security rules. Its existence and functions were known only to a very few persons at the White House. These included Messrs. [H. R.] Haldeman, Ehrlichman and John W. Dean [3d].

At about the time the unit was created, Daniel Ellsberg was identified as the person who had given the Pentagon papers to The New York Times. I told Mr. Krogh that as a matter of first priority, the unit should find out all it could about Mr. Ellsberg's associates and his motives. Because of the extreme gravity of the situation, and not then knowing what additional national secrets Mr. Ellsberg might disclose, I did impress upon Mr. Krogh the vital importance to the national security of his assignment. I did not authorize and had no knowledge of any illegal means to be used to achieve this goal.

However, because of the emphasis I put on the crucial importance of protecting the national security, I can understand how highly motivated individuals could have felt justified in engaging in specific activities that I would have disapproved had they been brought to my attention.

Consequently, as President, I must and do assume responsibility for such actions despite the fact that I at no time approved or had knowledge of them.

I also assigned the unit a number of other investigatory matters, dealing in part with compiling an accurate record of events related to the Vietnam war, on which the government's records were inadequate (many previous records having been removed with the change of administrations) and which bore directly on the negotiations then in progress. Additional assignments included tracing down other national security leaks, including one that seriously compromised the U.S. negotiating position in the SALT talks.

The work of the unit tapered off around the end of 1971. The nature of its work was such that it involved matters that, from a national security standpoint, were highly sensitive then and remain so today.

These intelligence activities had no connection with the break-in of the Democratic headquarters, or the aftermath.

I considered it my responsibility to see that the Watergate investigation did not impinge adversely upon the national security area. For example, on April 18th, 1973, when I learned that Mr. Hunt, a former member of the special investigations unit at the White House, was to be questioned by the U.S. attorney, I directed Assistant Attorney General [Henry E.] Petersen to pursue every issue involving Watergate but to confine his investigation to Watergate and related matters and to stay out of national security matters.

Subsequently, on April 25, 1973, Attorney General [Richard G.] Kleindienst informed me that because the Government had clear evidence that Mr. Hunt was involved in the break-in of the office of the psychiatrist who had treated Mr. Ellsberg, he, the Attorney General, believed that despite the fact that no evidence had been obtained from Hunt's acts, a report should nevertheless be made to the court trying the

The burglary and bugging of the Democratic National Committee headquarters came as a complete surprise to me.

Ellsberg case, I concurred, and directed that the information be transmitted to Judge Byrne immediately.

WATERGATE

I had no inkling that any such illegal activities had been planned by persons associated with my campaign: if I had known, I would not have permitted it. My immediate reaction was that those guilty should be brought to justice and, with the five burglars themselves already in custody, I assumed that they would be.

Within a few days, however, I was advised that there was a possibility of CIA involvement in some way.

It did seem to me possible that, because of the involvement of former CIA personnel, and because of some of their apparent associations, the investigation could lead to the uncovering of covert CIA operations totally unrelated to the Watergate break-in.

In addition, by this time, the name of Mr. Hunt had surfaced in connection with Watergate, and I was alerted to the fact that he had previously been a member of the special investigations unit in the White House. Therefore, I was also concerned that the Watergate investigation might well lead to an inquiry into the activities of the special investigations unit itself.

In this area, I felt it was important to avoid disclosure of the details of the national security matters with which the group was concerned. I knew that once the existence of the group became known, it would lead inexorably to a discussion of these matters, some of which remain, even today, highly sensitive.

I wanted justice done with regard to Watergate; but in the scale of national priorities with which I had to deal—and not at that time having any idea of the extent of political abuse which Watergate reflected—I also had to be deeply concerned with ensuring that neither the covert operations of the CIA nor the operations of the special investigations unit should be compromised. Therefore, I instructed Mr. Haldeman and Mr. Ehrlichman to ensure that the investigation of the break-in not expose either an unrelated covert operation of the CIA or the activities of the White House investigations unit—and to see that this was personally coordinated between General [Vernon A.] Walters, the Deputy Director of the CIA, and Mr. [L. Patrick] Gray 3d of the FBI. It was certainly not my intent, nor my wish, that the investigation of the Watergate break-in or of related acts be impeded in any way.

On July 6, 1972, I telephoned the Acting Director of the FBI, L. Patrick Gray, to congratulate him on his successful handling of the hijacking of a Pacific Southwest Airlines plane the previous day. During the conversation, Mr. Gray discussed with me the progress of the Watergate investigation, and I asked him whether he had talked with General Walters. Mr. Gray said that he had, and that General Walters had assured him that the CIA was not involved. In the discussion, Mr. Gray suggested that the matter of Watergate might lead higher. I told him to press ahead with his investigation.

It now seems that later, through whatever complex of individual motives and possible misunderstandings, there were

apparently wide-ranging efforts to limit the investigation or to conceal the possible involvement of members of the administration and the campaign committee.

I was not aware of any such efforts at the time. Neither, until after I began my own investigation, was I aware of any fund raising for defendants convicted of the break-in at Democratic headquarters, much less authorize any such fund raising. Nor did I authorize any offer of executive clemency for any of the defendants.

In the weeks and months that followed Watergate, I asked for, and received, repeated assurances that Mr. Dean's own investigation (which included reviewing files and sitting in on FBI interviews with White House personnel) had cleared everyone then employed by the White House of involvement.

In summary, then:

1. I have no prior knowledge of the Watergate bugging operation, or of any illegal surveillance activities for political purposes.

2. Long prior to the 1972 campaign, I did set in motion certain internal security measures, including legal wiretaps, which I felt were necessary from a national security standpoint and, in the climate then prevailing, also necessary from a domestic security standpoint.

3. People who had been involved in the national security operations later, without my knowledge or approval, undertook illegal activities in the political campaign of 1972.

4. Elements of the early post-Watergate reports led me to suspect, incorrectly, that the CIA had been in some way involved. They also led me to surmise, correctly, that since persons originally recruited for covert national security activities had participated in Watergate, an unrestricted investigation of Watergate might lead to and expose those covert national security operations.

5. I sought to prevent the exposure of these covert national security activities, while encouraging those conducting the investigation to pursue their inquiry into the Watergate itself. I so instructed my staff, the attorney general and the acting director of the FBI.

6. I also specifically instructed Mr. Haldeman and Mr. Ehrlichman to ensure that the FBI would not carry its investigation into areas that might compromise these covert national security activities, or those of the CIA.

7. At no time did I authorize or know about any offer of executive clemency for the Watergate defendants. Neither did I know until the time of my own investigation, of any efforts to provide them with funds.

CONCLUSION

With hindsight, it is apparent that I should have given more heed to the warning signals I received along the way about a Watergate coverup and less to the reassurances.

With hindsight, several other things also become clear:

With respect to campaign practices, and also with respect to campaign finances, it should now be obvious that no campaign in history has ever been subjected to the kind of intensive and searching inquiry that I have ordered on the campaign waged in my behalf in

Accompanying statement by the President

Recent news accounts growing out of testimony in the Watergate investigations have given grossly misleading impressions of many of the facts, as they relate both to my own role and to certain unrelated activities involving national security.

Already, on the basis of second-and third-hand hearsay testimony by persons either convicted or themselves under investigation in the case, I have found myself accused of involvement in activities I never heard of until I read about them in news accounts.

These impressions could also lead to a serious misunderstanding of those national security activities which, though totally unrelated to Watergate, have become entangled in the case. They could lead to further compromise of sensitive national security information.

I will not abandon my responsibilities. I will continue to do the job I was elected to do.

In the accompanying statement, I have set forth the facts as I know them as they relate to my own role.

With regard to the specific allegations that have been made, I can and do state categorically:

1. I had no prior knowledge of the Watergate operation.

2. I took no part in, nor was I aware of, any subsequent efforts that may have been made to cover up Watergate.

3. At no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer.

4. I did not know, until the time of my own investigation, of any effort to provide the Watergate defendants with funds.

5. At no time did I attempt, or did I authorize others to attempt, to implicate the CIA in the Watergate matter.

6. It was not until the time of my own investigation that I learned of the break-in at the office of Mr. [Daniel] Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge [W. Matthew] Byrne, [Jr.].

7. I neither authorized nor encouraged subordinates to engage in illegal or improper campaign tactics.

In the accompanying statement, I have sought to provide the background that may place recent allegations in perspective. I have specifically stated that executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters under investigation. I want the public to learn the truth about Watergate, and those guilty of any illegal actions brought to justice.

1972.

It is clear that unethical, as well as illegal, activities took place in the course of that campaign.

None of these took place with my specific approval or knowledge. To the extent that I may in any way have contributed to the climate in which they took place, I did not intend to; to the extent that I failed to prevent them, I should have been more vigilant.

It was to help ensure against any repetition of this in the future that last week I proposed the establishment of a top-level, bipartisan, independent commission to recommend a comprehensive reform of campaign laws and practices. Given the priority I believe it deserves, such reform should be possible before the next congressional elections in 1974.

It now appears that there were persons who may have gone beyond my directives, and sought to expand on my efforts to protect the national security operations in order to cover up any involvement they or certain others might have had in Watergate. The extent to which this is true, and who may have participated and to what degree, are questions that it would not be proper to address here. The proper forum for settling these matters is in the courts.

To the extent that I have been able to determine what probably happened in the tangled course of this affair, on the basis of my own recollection and the conflicting accounts and evidence that I have seen, it would appear that one

factor at work was that at critical points various people, each with his own perspective and his own responsibilities, saw the same situation with different eyes and heard the same words with different ears. What might have seemed insignificant to one seemed significant to another; what one saw in terms of public responsibility, another saw in terms of political opportunity; and mixed through it all, I am sure, was a concern on the part of many that the Watergate scandal should not be allowed to get in the way of what the administration sought to achieve.

The truth about Watergate should be brought out—in an orderly way, recognizing that the safeguards of judicial procedure are designed to find the truth, not to hide the truth.

With his selection of Archibald Cox—who served both President Kennedy and President Johnson as Solicitor General—as the special supervisory prosecutor for matters related to the case, attorney general-designate (Elliot L.) Richardson has demonstrated his own determination to see the truth brought out. In this effort he has my full support.

Considering the number of persons involved in this case whose testimony might be subject to a claim of executive privilege, I recognize that a clear definition of that claim has become central to the effort to arrive at the truth.

Accordingly, executive privilege will not be invoked as to any testimony concerning possible criminal conduct or

discussions of possible criminal conduct, in the matters presently under investigation, including the Watergate affair and the alleged cover-up.

I want to emphasize that this statement is limited to my own recollections of what I said and did relating to security and to the Watergate. I have specifically avoided any attempt to explain what other parties may have said and done. My own information on those

other matters is fragmentary, and to some extent contradictory. Additional information may be forthcoming of which I am unaware.

It is also my understanding that the information which has been conveyed to me has also become available to those prosecuting these matters. Under such circumstances, it would be prejudicial and unfair of me to render my opinions

on the activities of others; those judgments must be left to the judicial process, our best hope for achieving the just result that we all seek.

As more information is developed, I have no doubt that more questions will be raised. To the extent that I am able, I shall also seek to set forth the facts as known to me with respect to those

NEW YORK TIMES
23 May 1973

Excerpts From Transcript of Testimony to Senate Group Investigating Watergate

Special to The New York Times

WASHINGTON, May 22—

Following are excerpts from a transcript of testimony today in the third day of hearings on the Watergate case by the Senate Select Committee on Presidential Campaign Activities:

MORNING SESSION

James W. McCord Jr.

MCCORD. One of the statements that we did not get into on the last meeting, I think primarily because of the factor of time, was a memorandum which I had written to the committee dated May 4, 1973, the subject of pressure on the defendants to blame the Watergate operation on C.I.A. and other matters. I am prepared to go into that statement at this time. If it has your approval.

SENATOR BAKER. Thank you very much. Is that letter a part of the record?

[At this point McCord read into the record the memorandum to the committee charging pressures on the defendants to put the blame on the Central Intelligence Agency for the Watergate operation. The text was printed in The New York Times of May 9.]

MCCORD. I have a further addition relevant to that in the statement which I could read at this time.

The topic of it is the December, 1972, letter to John Caulfield. This letter is relevant to the May 4, 1973, memo submitted to Senate Watergate committee and the Federal grand jury, on the subject of pressure to place the blame on C.I.A. for the Watergate operation.

A letter was written to John Caulfield during the week of Dec. 25, 1972. Reference to this letter appeared in the press last weekend. And geared—speaking of my own feelings and at the time the letter was written—and geared because of what appeared to me to be a ruthless attempt by the White House to put the blame for the Watergate operation on C.I.A., where it did not belong. I sought to head it off by sending a letter to Caul-

field.

This letter was couched in strong language because it seemed to me at the time that this was the only language that the White House understood. The letter read in substance as follows, to the best of my memory:

"Dear Jack: I am sorry to have to write you this letter. If Helms goes and the Watergate operation is laid at C.I.A.'s feet, where it does not belong, every tree in the forest will fall. It will be a scorched desert. The whole matter is at the precipice right now. Pass the message, that if they want it to blow, they are on exactly the right course. I am sorry that you will get hurt in the fallout." The letter was unsigned.

Sirica Statement Cited

Now, the above letter to Caulfield brings to mind another set of communications of mine on Dec. 6, 1972. On Dec. 4, 1972, Judge Sirica had stated in open court that the jury in January, 1973, would want to know who had hired the men for the Watergate operation and why.

On December 6, 1972, The Washington Star carried an article which appeared to me to be an Administration-planted story answering Judge Sirica's query stating that "reliable sources state that McCord recruited the four Cubans and that they believed that they were working for the President on an extremely sensitive mission." This was untrue.

This appeared to me to be laying the groundwork for a false claim at the trial that I was the "ringleader" of the Watergate plot. This would draw attention away from Hunt and Liddy, and I believe possibly away from the White House, since both of them had formerly worked at the White House and I had not.

That same evening Dec. 6, 1972, I sent telegrams to William O. Bittman, attorney for Hunt, and Bernard Barker's residence in Miami, Fla., stating that the story was untrue as they both knew, and I asked for comments by return mail from Barker. I also wrote Hunt a letter on the matter stating that, as he al-

so knew, the story was untrue and he could either correct it or I would do so.

With the letter to Caulfield in late December, 1972, I was trying to head off an effort to falsely lay the Watergate operation off on CIA. In the telegrams and letter to Hunt and the others in December, 1972, that I have just referred to, I was trying to head off an effort to falsely to lay the recruitment of the Cubans off on the writer which would, in turn, shift the focus of the trial off of those formerly connected with the White House, namely, Liddy and Hunt, than from those who in effect had actually recruited them, namely Mr. Hunt.

Newspapers over the weekend have also referred to some calls to some local embassies. I will try to explain those in the statement that I will read at this time.

In July, 1972, Mrs. Hunt had told me that Paul O'Brien, attorney for C.R.P., had told her husband that when the Watergate case broke in June, the Committee for the Re-election of the President told O'Brien that the Watergate operation was a C.I.A. operation. I believe I referred to this in the earlier statement. She said that Howard Hunt had exploded at this and told O'Brien that this was not true; that it was not a C.I.A. operation.

A few days later Mrs. Hunt told me that the C.R.P. lawyers were now reporting that the Administration was going to allege at the trial that Liddy had stolen \$16,000 and had bribed Hunt and McCord to perform the operation. I told her that it looked like they were now changing their cover stories, referring to the Administration, and I would not sit still for either false story, and I shortly wrote my attorney, Gerald Alch, repeating this information and setting forth these same views of mine.

In September, 1972, the indictments came out and no one was being indicted among the higher-ups, so there looked like a further cover-up to me.

Also in September and October, 1972, there began to

be a series of telephone anomalies on my phone that indicated to me that the phone had been tapped.

In an effort to test the truthfulness of the Government on a forthcoming motion for disclosure of wiretapping of the defendants' phones in the Watergate case, including my own, I made two calls in September and October, 1972, to two local embassies. On Oct. 10, 1972, I asked for the filing of a motion for Government disclosure of any interceptions and two weeks later the Government came back with a denial of any, saying a search of Government records had been made. I knew that that two weeks was too short a time to search 12 different Government agencies for such records, and believed the Government was not telling the truth.

Sees Mitchell Sanction

There is an attachment to this, The New York Times of today's date. The title of the article "Warning Against Blaming of C.I.A. Laid to McCord."

Continuing on a separate subject in a statement. The topic of this memorandum is sanction of the Watergate operation.

John Mitchell, by virtue of his position as Attorney General of the United States, and John Dean, by virtue of his position as counsel to the President, by their consideration and approval of the Watergate operation, in my opinion, gave sanction to the Watergate operation by both the White House and the Attorney General's offices.

I had been accustomed to working in an atmosphere where such sanction by the White House and the Attorney General, was more than enough. As with White House staffers, it was not my habit to question when two such high offices sanctioned an activity—it carried the full force and effect of Presidential sanction.

For the preceding 30 years I had been working in an environment where, if there were ever any question of the legality of a matter or an activity, it would always be sent to high legal officials for a legal decision on the mat-

ter; where, if they sanctioned it, that was sufficient.

I can elaborate on this another way. Left alone, I would not have undertaken the operation. I had plenty of other things to do in connection with my security work at the Committee to Re-elect the President.

Liddy wanted help. He came to me seeking that help with the word that it had the approval of the Attorney General and the counsel to the President. He said that it was part of the C.R.P. mission, in order to obtain the information regarding not only political intelligence but also regarding violence-oriented groups who would be planning violence against the committee in Washington, and later at the August convention site, thereby endangering the lives and property of the committee and its personnel. My mission was protection of such lives and property.

Worried by Bloodshed

Uppermost in everyone's minds at that point in time, and certainly in mine, was the bloodshed which had occurred at the 1968 Democratic Convention in Chicago, and I constantly sought intelligence from any source which might help forewarn us and help us avoid in 1972 that danger to the lives of our people.

In 1969 we had seen the bombing of the Capitol Building itself. In May, 1972, we had seen the bombing of the Pentagon with the equivalent of 18 sticks of dynamite. In February, 1972, there were four pipe bombs emplaced at a police station in Manchester, N. H., one of which went off prematurely, and mangled the arm of the young man who had reportedly emplaced them.

Caught with him was a young lady who had in her possession four letters which said, "We have just bombed the offices of the Committee to Re-elect the President in New Hampshire." Found in her apartment were the makings of other pipe bombs. It was clear to me and to others that the intentions of the two were to go on from the police station and drop off other bombs at the C.R.P. offices in Manchester, where there had been demonstration and trouble a few days before.

Only their arrest preempted that action. A few days later in Oakland, Calif., another pipe bomb was emplaced on the first floor of the Republican county headquarters and blew out all of the windows and damaged a pillar to the building. Already in February there was a pattern then of bombings beginning to develop against the committee and against Republican offices.

Subsequently, in Austin, Tex., the offices of Senator Tower were destroyed by a fire bomb which, I believe, as I recall, did a million dollars worth of damage and destroyed irreplaceable. The concern was not of a

theological threat, but of a realistic threat of violence, and I wanted advance notice from anywhere I could receive it, of action planned against us of this sort—advance notice, advance warning, so we could take measures to protect against it and protect our people's lives. Property could be replaced. Lives could not.

Florida Indictments

Questions were on my mind like, who are these people who bombed in New Hampshire, in Oakland, the Pentagon building, the Capital Building; how are they funded; who are they working with? Is anyone in collusion with them, encouraging them or funding them? The Vietnam Veterans against the War was one violence-oriented group that was already saying in the spring of 1972 that they were going to cause destruction to life and property at the August Republican convention, using, in their own words, their own bodies and weapons as the spearhead of the attack there—these are their exact words, and some of them have since been indicted in Tallahassee, Fla., with additional plans to damage the life and property in the convention.

Later in the summer of 1972 the V.V.A.W. did, in fact have offices in the D.N.C. in Washington, as I understand. I had also received information from the Internal Security Division in May, 1972, that some individuals in Florida planned to forge college press credentials to get into both the Democratic and Republican convention sites, and blow up the communication centers of both parties there and cause havoc on the convention floor.

Now, we also had word from C.R.P. sources alleging that the McGovern committee had "a pipeline" directly into the offices of the Committee to Re-elect the President in Washington; allegedly, they were feeding out, on a regular basis, policy position papers, i.e., plans and strategy, which were rather important to the success of a candidate's campaign. If the other side is reading your poker hand, he can negate your plans.

We had word that one of the volunteers at the Committee to Re-elect the President had, in fact, prior to coming aboard the committee, threatened the life of John Mitchell and of other persons. This was at about the same time Governor Wallace was almost killed in an assassination attempt. There were numerous threats in writing and by phone against John Mitchell and his wife. One such call came to the unlisted telephone of Mrs. Mitchell at their apartment and got her greatly upset, as it would any woman, because it appeared that even the person who had called had appeared then no longer safe.

We certainly had sufficient indications that violence-oriented groups were out to endanger both life and property. With some 250,000 demonstrators planning to go to the convention in early 1972 and there were statements that some would be out to commit violence. The questions were, who are such people, who is funding them, encouraging them, who is in collusion with them, what are they planning next and where? Are any of them being supported and encouraged by any staff members of the McGovern committee or D.N.C.?

I had no indication whatever that Larry O'Brien or Senator McGovern had either any knowledge of or part in such—just the contrary. I was completely convinced that they did not. But I was not so sure that, without their knowledge, other staff members might not be working behind their backs to quietly encourage groups such as V.V.A.W. McGovern's early political base was with some of the radical groups.

My questions were, what was the extent of such encouragement, if any, and how far did it go? Did they let such groups use their telephones and work in their offices? There were indications in the summer of 1972 that such groups actually did just that in California and in D.N.C. headquarters, in Washington.

My next statement has to do with the intelligence advisory committee I previously referred to in the C.I.A. memorandum, which I referred to Mr. Robert Mardian.

In May, 1972, Robert Mardian had told me that he, John Mitchell, Robert Haldean and John Ehrlichman were key members of an "intelligence advisory committee." I now assume that this was the Intelligence Evaluation Committee, referred to, I believe, in The New York Times of May 21, 1973.

I have previously submitted a tape to the Senate Watergate committee which I believe contains material which was the product of that committee, and which I obtained from the evaluation section of the Internal Security Division of the Department of Justice, a contact established through Mr. Robert Mardian, in May 1972.

I have no knowledge of the sources of that committee.

Robert Mardian, during a brief conversation in June 1972, stated that he was going to be "in charge of intelligence operations at Miami during the convention." He did not elaborate further.

The next item is headed "Las Vegas Matter," which was referred to in the previous testimony on Friday.

In January or February, 1972, Gordon Liddy told me that he was going out to Las Vegas, Nev., in connection with casing the office of

Hank Greenspun, editor of The Las Vegas Sun.

Liddy said that Attorney General John Mitchell has told him that Greenspun had in his possession blackmail type information involving a Democratic candidate for President, that Mitchell wanted that material, and Liddy said that this information was in some way racketeer-related, indicating that if this candidate became President, the racketeers or national crime syndicate could have a control or influence over him as President. My inclination at this point in time, speaking of today, is to disbelieve the allegation against the Democratic candidate referred to above and to believe that there was in reality some other motive for wanting to get into Greenspun's safe.

Liddy told me one day in February, 1972, that he was going out to Las Vegas, and might need my help if there was an alarm system in the offices, when an entry operation was mounted to enter a safe in Greenspun's offices to get the information. A few days later Liddy told me that he had been to Las Vegas and looked over the offices and that there was no such alarm system, and my services were not needed.

Subsequently in about April or May, 1971, Liddy told me that he had again been to Las Vegas for another casing of Greenspun's offices. Liddy said that there were then plans for an entry operation to get into Greenspun's safe. He went on to say that, after the entry team finishes its work, they would go directly to an airport near Las Vegas where a Howard Hughes plane would be standing by to fly the team directly into a Central-American country, so that the team would be out of the country before the break-in was discovered.

Around the same time Liddy made this last statement to me about the Howard Hughes plane, Hunt told me in his office one day that he was in touch with the Howard Hughes company and that they might be needing my security services after the election.

He said that they had quite a wide investigative and security operation and asked me for my business card and asked if I would be interested. I said I would like to know more about what was involved, gave him a card, but never heard from him again on this subject. However, I did read in the newspapers after July 1, 1972, that Hunt had apparently handled a Howard Hughes campaign donation to the Committee to Re-elect the President sometime in 1972. Gordon Liddy told me in February, 1972, that he, too, had handled a Howard Hughes campaign check, a donation to the 1972 campaign. This is the extent of my knowledge on this

That completes my pre-

pared statement and I will be glad to answer any questions.

SENATOR BAKER. Mr. McCord, speaking of electronic surveillance, do you know of or did you ever investigate the bugging of Republican headquarters of the Committee for the Re-election of the President headquarters—here, New York, or elsewhere?

A. Yes, sir.

Q. Would you describe that for the committee? A. It was a regular ongoing activity at the offices in Washington and at the New York arm of the Committee for the Re-election of the President, which was referred to as the November Group. They had offices, I believe, on Park Avenue in New York.

Signs of Illegal Acts

Q. Did you discover any incident of that sort? A. There was one incident on June 16 of some concern at the New York office of the Committee for the Re-election of the President. There had been earlier signs of possibly some illegal activity at those offices prior to June 16 which I could describe, if you would like.

Q. I would like.

A. On the afternoon of June 16, 1972, about mid-afternoon, I received a call from the head of the office of the November Group in New York City, who stated that he and his entire office staff were quite concerned about an incident that had just occurred. He went ahead to relate that one of the secretaries at the office had received a call from a male individual in Los Angeles, Calif., and that she had immediately told that party that she would call him back on the WATS line, which is a leased line, call him back on that line and immediately did so.

And during the conversation that the two of them had, about a few minutes into the conversation there was a click over the phone which was heard by her and by the male on the other end of the line, and what appeared to be a tape recording was played over the telephone line which was, as she described it when I talked with her, an anti-Nixon and antiwar harangue.

Q. Were there other incidents of telephone tapping against the Republican National Committee or the C.R.P. or any other Republican-affiliated groups brought to your attention or which you investigated?

A. There were two earlier occasions at the November Group offices when I was called to the November Group offices from Washington in which they had highly suspicious telephone anomalies; as it is known. Telephone conversations within the office itself when another person picking up a telephone extension on a different line, for example, not connected with the one in which the call was being

made, could overhear the conversation that was going on. Other strange anomalies, clicks and so on, of a wide variety that indicated some problems in the telephone area.

Source of Taps Unknown

Q. Mr. McCord, I am not trying to create the impression that, because there were apparently taps in the Republican phones, that that justifies taps on the Democratic phones. I do not believe that but I am anxious to know your state of mind and the reason and rationale for your security operations, including the break-in into the Watergate.

Now, my final question in that respect is, did you ever discover the source or responsibility for any of these efforts at electronic interception on the Republican operations?

A. No, sir.

Q. You recognize the term Gemstone?

A. Yes, sir.

Q. Can you describe for us what it means?

A. That term I first heard; first read about in the newspaper itself referring to, according to the newspaper accounts, referring to—it as a code name for the monitoring, the typing of final monitoring logs of report or logs coming out of the National Democratic Committee. I did not as such know it during the operation but I know something about the nature of the paper that it was on. I think that code name had some reference to that.

Q. Where is the information that you gained? Is it in the Gemstone file? Does the U.S. Attorney's office have it? Where is it? A. The material which I had received from—Mr. Baldwin was doing the monitoring, Alfred Baldwin—was turned over, all of it, to Mr. Liddy, Gordon Liddy.

SENATOR TALMADGE: Mr. McCord, among other things in your testimony this morning, you stated that many efforts were made to persuade you or to coerce you to state that the bugging operation on the Democratic National Committee was a C.I.A. operation. Will you state the individuals who urged you to do that? One you stated was Mr. Hunt. Am I correct?

A. Sir, I believe I will correct that impression if I left it. I had heard from Mr. Bernard Barker specifically that Mr. Hunt had brought pressure to bear upon Mr. Barker and the Cubans to use as their defense that this was a C.I.A. operation. Mr. Hunt did not directly put that pressure upon me. Others did.

Q. Barker reported to you that Hunt had urged you to do so, is that correct? A. That is right.

Q. Barker, as I understand it, was one of the people involved in the Watergate operation, was he not? A. Yes, sir.

Q. Barker, I believe, has been granted immunity and has not been convicted. Is that correct? He pled guilty and was convicted? A. Yes, sir.

Q. Now, who else besides Barker was involved in urging you to blame this on the C.I.A.? You stated two other names. I think one of them was Bittman and the other one was named Alch? A. Yes, sir, I referred to conversations with Mr. Gerald Alch and Mrs. Hunt.

Q. Now, who is Mr. Alch? A. He was my defense attorney through the trial in January, 1973, whose services I had engaged at that time.

Q. All right, now Mr. Alch and who else urged you to do that? A. I believe I have stated in my testimony that stories were circulating earlier stemming out of the Committee for the Re-election of the President that the committee lawyers themselves had been told that early in July . . .

Seeks Source of Pressure

Q. Let's get specific now. I don't want stories circulating. I want to name the days, names, and places. That is evidence. Rumors are not. A. Yes, sir.

Q. And I believe in your own testimony in chief, the memorandum you read, you also referred to a man by the name of Bittman, did you not? A. Yes, sir.

Q. Now, who is Mr. Bittman? A. Bittman is the attorney, William O. Bittman, the attorney for E. Howard Hunt, one of the other defendants.

Q. All right, did he have any connection with the Government in any way or any connection with the Republican National Committee or the Committee to Re-elect the President?

Q. What I am trying to get at is the source of this pressure that you have contended was brought upon you to blame this on the C.I.A. Thus far, you have not connected that either with the Committee to Re-elect the President or the White House or any other individuals, to my knowledge. One was your own lawyer, one was engaged in the crime with you, and the third one was the lawyer for Mr. Liddy, was it—Bittman?

A. Mr. Hunt.

Q. He was Mr. Hunt's lawyer. And those three individuals are the only ones that urged you to blame this on the C.I.A. Is that a fair statement? A. Yes, sir, that is essentially correct.

Q. So no one else anywhere whatever urged you to blame it on the C.I.A. except these three individuals, is that correct? A. None that I can recall at this time, no, sir.

Q. Now, did Mr. Barker or the other of the so-called Cuban Americans ever come to you during the trial and tell you that they had been offered executive clemency by offered executive clemency

by Mr. Hunt? A. Yes, sir.

Will you describe the attitude and demeanor at that time?

A. Yes, sir, Mr. Barker specifically—I can recall specifically during the first week of the trial and beginning on the first day, on Jan. 8, Mr. Barker came to me in the corridor outside, I believe, the courtroom of the U.S. District Court building in Washington during breaks in the court proceedings and proceeded to relate to me the pressure which he said was being imposed upon him and upon the other men who were defendants—Mr. Sturgis, Mr. Gonzalez, Mr. Martinez—pressure that he stated was stemming from Mr. Hunt and other unnamed individuals, to plead guilty and to go off to jail or prison and ultimately to receive executive clemency and to receive financial support for their families while they were in prison and promises—and he stated promises were made that they would be given help in obtaining a job or "rehabilitation" at the prison. Mr. Barker spoke to me several times during that week regarding that particular pressure upon him which he described as intense.

He stated first that he was planning not to plead guilty and then subsequently, as the days progressed during the week itself, he began to tell me what he was thinking more and more seriously about it, and as I recall, about Wednesday of that week, roughly, in that week sometime, he seemed to have his mind made up that he would go ahead and accede to the pressure and plead guilty, and he put it in just about those words, and to accept the executive clemency.

He was not the only one. His family, his wife and his daughter, related the same pressure to me, sometimes in his presence.

Q. Did any of the other so-called Cuban Americans besides Mr. Barker relate similar pressure? A. Yes, sir, all of them.

Q. Every one of them? A. Yes, sir.

Q. Now, did Mr. Hunt or Mrs. Hunt ever give you any information that they were sent to you by the Committee to Re-elect the President or the White House or anybody to do this? A. Executive clemency?

Q. Yes. A. Yes, sir.

Q. Will you relate that?

A. Yes, sir, during the meetings, personal meetings and telephone meetings, beginning in July, 1972, concerning money beginning in October, 1972, concerning executive clemency—the term "executive clemency" I first heard, I believe, from Mr. Hunt in early October—late September or early October—when I would see him at the courthouse or when he would call me by telephone.

Thereafter, he subsequently mentioned it in almost every call. His wife referred

to it. In substance, what they were saying was that the defendants were being promised executive clemency if they went off to prison and had to serve time. Sometimes the word "executive clemency" would be followed or accompanied by other statements about financial support and rehabilitation.

Q. Did Mrs. Hunt state who gave her authority to make such a promise? A. My recollection of her conversations were that she was saying that she was transmitting this word to me from her husband. She did not specifically mention that I can recall now who gave it to him. I can draw only one conclusion as to where it came from, because—

Q. She did not state the source of her authority to make that promise, though? A. I can't recall such statements on her part.

Q. Who did she say she was in communication with? A. With the attorneys for the Committee to Re-elect the President, the attorneys for the committee.

Q. Who specifically? More than one individual is involved with the committee. I want you to name specific names if you know.

A. She stated that she herself was in communication with Mr. Kenneth Parkinson, one of the attorneys for the Committee to Re-elect the President. She stated that her husband, Mr. Hunt, had been in touch in July with Mr. Paul O'Brien, also an attorney with Mr. Parkinson for the Committee to Re-elect the President.

SENATOR GURNEY. Did they [the other defendants] ever tell you who was applying pressure to them?

A. My recollection is that they stated Mr. Hunt. There was some, I have a vague recollection that the names of, it was put in the same context that Mr. Barker did that others were doing so. That is a very vague recollection. I can be sure only about the name of Mr. Hunt.

Q. Well, now, let's take them one by one. When and where did Martinez say to you that pressure was being applied to him?

A. In the corridors of the—I believe it is called the—outside the ceremonial courtroom of the District Court Building in Washington, D.C., to the best of my recollection, on at least each of the first four days of the trial beginning on Jan. 8, during breaks in the court session.

Q. And in these conversations, what names did Martinez mention? A. Mr. Hunt.

Q. Did he mention any others? A. No, sir.

Q. What about Sturgis?

A. If I may explain, usually Mr. Martinez and Mr. Gonzalez were together during these conversations and the conversations were in the form of something like a three-way discussion between me, Mr. Martinez and Mr. Gonzalez. Mr. Sturgis, I would say, mentioned me perhaps at the most once

or twice that week. The others mentioned it, I would say, the first four days of the first week of the trial.

Q. But none of these men ever mentioned any other name other than Mr. Hunt? A. No sir.

Q. And none of them ever either mentioned or speculated who was giving Hunt the authority to apply this political pressure or offer of executive clemency to all of you?

A. No, sir. There, the focus of their concern was—it was in terms of what should they be really doing about it and what concern they had if they did not do it or, if they turned it down, what would be their future, what was going to happen during the trial, so there wasn't much at all in the way of who was doing it and where it came from. Our general context of our discussion was that everybody understood that there was only one place that executive clemency can stem from, so nobody had any reason for discussing it.

Statements 'Shocking'

Q. You mentioned in the statement about the C.I.A.—at least the statements were certainly very shocking. They involve a new man coming on board the C.I.A., a change from Mr. Helms to another man and the fact that the new man could be, could work with and dealt with, and your records might have been able to have been doctored, all in this so-called C.I.A. cover-up. Would you go into that at more length. Where did you get this information?

A. What I transmitted to you, sir, and this is the source of it, were the words as I best recall it transmitted to me, communicated to me, by Mr. Alch in the two meetings that I referred to, one at the Monocole Restaurant here in Washington, near a couple of blocks from here about, on Dec. 21, and the second—

Q. Who is us? Did he have someone else with him? A. Well, he had Mr. Bernard Shankman, my local attorney. He did not meet with us.

Q. Now, would you recall again what he said specifically about the C.I.A.?

A. I stated as I best recall, that he had just come from a meeting with William O. Bittman, attorney for Mr. Howard Hunt. He stated that he had a suggestion concerning what I use as my defense during the trial, which was that I use as my defense that the Watergate operation was a C.I.A. operation. I do not recall exactly what I said in response except to say something to the effect that you are my attorney, what is your counsel on this, do you think I should?

And his response was, "Yes, I think so," and he proceeded to discuss, to ask some questions of me. He said, "I would say, mentioned me perhaps at the most once

retirement. That is, a person once retired, can he recalled, and I said, yes, he can, and he said, "Well, you can ostensibly, we could use as our defense you could ostensibly have been recalled to the C.I.A. to undertake the Watergate operation, could you not," and I said it is technically possible or words to that effect. That he said if so, then, my personnel records at C.I.A. could be doctored to reflect such a recall, and this is my best recollection of the exact words.

Q. Well, now, who was going to do that?

A. He did not say.

Q. Did you ask him?

A. No. I was listening to the rest of the story. I wanted to hear the rest of the statement out. He said that Schlesinger, the new director of C.I.A., whose appointment had just been announced, could be subpoenaed and would go along with it, that was his quote.

Q. Did he offer any evidence as to how he knew that Mr. Schlesinger would "go along with it"? A. No, sir.

Q. Go on.

A. He went on to mention some testimony. He did not have any paper with him but he went on to mention some testimony by Mr. Gary Bittenbender, and he recited testimony that he said Bittenbender had given in which Bittenbender purportedly claimed that I told him the day of the arrest that the Watergate operation was a C.I.A. operation. My response was that, if such a statement had been made, it was perjured testimony or a false statement.

Q. Why did he bring that up, do you know? A. I can give you an impression if you want an impression.

Q. Yes. A. Which was that, and that impression stems from what I later saw in his office, which was a written statement—my impression was that he had received access to some type of interview with Mr. Bittenbender in which such a statement was obtained, perhaps by the Federal authorities in some case.

Q. Go on. A. He said he could be interviewed—correction. He went on to mention the name of Mr. Victor Marchetti, who he referred to as writing a book about C.I.A., and he said we could subpoena Marchetti and have him testify about customs and traditions of C.I.A. agents in case they are arrested, or caught, wherein they are trained to deny any connection with C.I.A.

SENATOR WEICKER. Mr. McCord, did you actually receive any F.B.I. reports while at the Internal Security Division? A. I saw some material that was attributed to the F.B.I. I did not take any with me, I made extracts of some of the material that was shown to me.

Q. You have indicated recently that the Vietnam Veterans Against the War had an office in the Democratic

National Committee or McGovern headquarters. Where did you receive that information? A. I do not recall the source of it now, except that it came to me some time during the Summer of 1972.

Q. When you say in the summer of 1972, was it before June 17? A. No, sir.

Q. After June 17? A. Yes, sir.

Q. How many times were you personally in contact with Robert Mardian? A. I can recall two of three times.

Q. Was this at the time that the Internal Security Division or at the time he had left that division and was working for the Committee to Re-elect the President? A. Only after he had come to the Committee to Re-elect the President.

AFTERNOON SESSION

MR. DASH. I think that one of the areas that has not been covered is the role of the person who was on the other side of the wiretap which you installed in May, the end of May, 1972. Now, did you employ Mr. Baldwin, Mr. Alfred Baldwin, for that purpose?

McCORD. Yes, I did.

Q. What was his particular assignment with regard to monitoring the wiretap? A. His assignment was to listen on a radio receiver that received the transmissions from the Democratic National Committee telephones in which the electronic devices had been installed in connection with the two dates of Memorial Day weekend and June 17, 1972.

Q. In his monitoring, ho!" "as he recording what he was hearing? A. He was listening with headphones to the conversations that were being transmitted and would take down the substance of the conversations, the time, the date, on the yellow legal-sized scratch pad, and then ultimately would type them up a summary of them by time, chronological summary, and turn that typed log in to me and I would deliver them to Mr. Liddy.

Q. Did you deliver them to Mr. Liddy directly? A. Yes.

Q. Now, did there come a time when you were delivering those logs that they were retyped? A. I know of at least one instance in which that occurred because I saw them being retyped.

Q. What was the purpose of retyping the log? Did Mr. Liddy explain that to you?

A. I believe some general explanation, in substance, that he wanted them in a more final complete form for discussion with Mr. Mitchell and whoever else received them.

Q. Now, who did this retyping? A. Sally Harmony, who was the secretary to Mr. Liddy at the Committee for the re-election of the President.

Q. As a matter of fact, could you briefly describe,

without going into any of the contents, what a log would be, what actually would be entered on the log which Mr. Baldwin would first type and then be retyped by Miss Harmony?

A. It would be similar to any other telephone conversation that one person might make to another beginning with a statement on the log of the time of the call, who was calling who; a summary of what was said during the conversation itself, including names of persons who were mentioned that Mr. Baldwin apparently believed were of sufficient significance to set forth in the log.

Q. [Would it] be true that anybody reading would have no difficulty knowing it [the log] came from a telephone conversation? A. That is correct.

John J. Caulfield

CAULFIELD. My duties at that time [April, 1969] consisted of being a White House liaison with a variety of law enforcement agencies in the Federal Government, through arrangements worked out with Mr. Ehrlichman, Mr. Herbert Kalmbach and Anthony Ulasewicz. Mr. Ulasewicz retired from the New York City Police Department and was paid on a monthly basis by the Kalmbach law firm, that employment commencing on July 9, 1969.

During the next three years, first on orders from Mr. Ehrlichman and later in some instances, on orders from Mr. John Dean, Mr. Ulasewicz, under my supervision, performed a variety of investigative functions, reporting the results of his findings to the White House through me. I do not fully recall all of the investigations performed in this fashion but have available a list of those which I do recall if the committee wishes to examine it.

In July of 1970 Mr. John Dean became counsel to the President and Mr. Ehrlichman was named to the position of Presidential assistant for domestic affairs. Thereafter I worked directly for Mr. Dean, but on occasion, Mr. Ehrlichman continued to call upon me directly for investigative work involving the services of Mr. Ulasewicz.

In the spring of 1971, I began to notice that, for some reason, the amount of investigation work handled by Mr. Ulasewicz through me had diminished. Much of the talk around the White House was beginning to center more and more on the 1972 Presidential election and I began to examine ways in my mind in which I might become involved. Since I had performed security duties in the 1968 election campaign, and realized some of the security demands of a Presidential campaign, I wished to become involved in the security area of the campaign.

Toward the end, I composed a memorandum suggesting that an outside security capability be formed

to handle the demands of the 1972 campaign. Such an organization would have a capability to perform various security functions to ensure the security of the traveling staff, the Committee to Re-elect the President headquarters, the convention site and would employ various guards and security people. In short, I was suggesting the formation of a capability to cover all the security needs of a Presidential campaign. The name I gave to this suggested operation was "sandwedge."

Proposal Turned Down

I further suggested that I leave the White staff and set up its security entity, if it were approved, and suggested a budget of approximately \$300,000 to \$400,000. I gave the memorandum to Mr. Dean and got the strong impression from him that it went to higher levels, but I have no knowledge of who saw it.

I was disappointed [when] my memorandum [was] refused. I next spoke with Mr. Dean concerning obtaining a position as a personal aide to John Mitchell when he became campaign director. Mr. Dean agreed to ask Mr. Mitchell if such a position was available. He did so and, on Nov. 24, 1971, he accompanied me to an interview at Mr. Mitchell's office.

I explained to Mr. Mitchell that what I wanted was a position similar to that occupied by Dwight Chapin in relation to the President and that, in addition to handling the kinds of activities that Chapin handled for the President, I could be of value to Mr. Mitchell as a bodyguard. Mr. Mitchell listened to what I had to say but was non-committal as to what status I would occupy with him. He said, however, that we would "get that all straightened out when I arrived at the re-election committee."

He was unsure as to when he would join the re-election committee but that it would be sometime in January or February of 1972. I left his office and walked back to the White House by myself. Mr. Dean remained and as I was walking through Mr. Mitchell's outer office I noted Mr. Gordon Liddy sitting with Mr. Dean, evidently waiting to see Mr. Mitchell.

Ultimately, on the first of March, 1972, I went to the re-election committee to commence my duties there. It soon became clear to me that Mr. Mitchell regarded me only as a bodyguard which was not what I had had in mind at all. During March I took two trips with Mr. Mitchell outside of Washington, one brief one to New York City and the other to Key Biscayne, Fla. Since Mr. Mitchell regarded me as his personnel bodyguard I carried a revolver in my briefcase.

Mr. Fred LaRue had joined us in Florida after our arrival, and upon my departure

he asked that I leave my revolver in his possession since Mrs. Mitchell would "feel better" if there were a revolver on the premises. I gave my revolver to him.

On April 28 I started working for the Treasury Department and then became a staff assistant to the Assistant Secretary of Treasury for Enforcement and on July 1, 1972, I became acting assistant director for enforcement Bureau of Alcohol, Tobacco and Fire Arms.

Anonymous Letter

In July of 1972, after [McCord's] arrest, I had Mr. Ulasewicz call his home and tell him to go to a designated public telephone booth near his house where I would be calling him. I called him at that public telephone and simply asked him if there was anything I could do for him or his family at this time of personal difficulty.

I did not see or hear from Mr. McCord again until I received an anonymous letter at my home in December of 1972. It was typewritten, a note of approximately two paragraphs in length and, to the best of my knowledge said, "Dear Jack—I am sorry to have to tell you this but the White House is bent on having the C.I.A. take the blame for the Watergate. If they continue to pursue this course, every tree in the forest will fall and it will be a scorched earth. Jack, even you will be hurt in the fall-out."

In early January of 1973, I was attending a drug conference in San Clemente, Calif., when I received a telephone call in my hotel room from John Dean. He asked that I go outside the hotel and call him back from a public telephone, which I did. He told me that he had a very important message which he wanted me to deliver to James McCord, that Mr. McCord was expecting to hear from me and McCord would understand what the message referred to. He said the message consisted of three things:

1. "A year is a long time";
2. "Your wife and family will be taken care of";
3. "You will be rehabilitated with employment when this is all over."

I immediately realized that I was being asked to do a very dangerous thing and I said to Mr. Dean that I did not think it was wise to send me on such mission since Mr. McCord knew, as many others did, that I had worked closely with Mr. Dean and Mr. Ehrlichman at the White House and therefore it might be quickly guessed that any messages I was conveying were probably from one of the two.

The reason I raised this question with him was because, frankly I did not wish to convey the message. Mr. Dean asked if I could think of any other way to do it and I suggested that perhaps I could get Mr. Ulasewicz to

convey the message over the telephone anonymously, stating the message came from me. Mr. Dean felt this would be all right, so I hung up the telephone and called Mr. Ulasewicz in New York.

He did not wish to convey the message at first but I convinced him to do it merely as a matter of friendship to me. Mr. Ulasewicz called Mr. McCord's home and, presumably, delivered the same message which Mr. Dean had given to me. He then called me back, in California, and reported that he had delivered the message and Mr. McCord's attitude had been one of satisfaction.

Meeting at Parkway

I called Mr. Dean and told him that the message had been delivered by Mr. Ulasewicz and that Mr. McCord had seemed satisfied.

The next day I received another telephone call from Mr. Dean at my hotel in which he said that Mr. McCord wanted to see me as soon as I got back. I objected to seeing Mr. McCord, but finally Mr. Dean got my concurrence to do so. I was not instructed to say anything more than what had been in the message to him.

Mr. Ulasewicz had conveyed instructions to Mr. McCord for holding our meeting on Friday night, Jan. 12. At approximately 7 P.M. that evening I met with Mr. McCord at the second overlook on the George Washington Parkway.

I said, "I guess you received the message then?" Mr. McCord then said words to the effect, "Jack, I am different from all the others. Anybody who knew me at the C.I.A. knows that I always follow my own independent course. I have always followed the rule that if one goes (I took this to mean going to jail) all who are involved must go. People who I am sure are involved are sitting outside with their families. I saw a picture in the newspaper of some guy who I am sure was involved sitting with his family. I can take care of my family. I don't need my Joes, I want my freedom."

I stated that I was only delivering a message and had nothing to do with its formulation or had no control over what was being done.

I did say that the "people" who had asked me to convey the message had always been honorable toward me and "sincere offer."

He asked me who I was speaking with at the White House and I said I could not reveal any names but that they were from the "highest level of the White House."

He continually said that all he was interested in was his freedom and that he was not pleased that others who he felt had been involved were not suffering the consequences that he was. In the immediate freedom, he said that he knew of a way in which his freedom could be

obtained and asked me if I could convey his plan to the people at the White House with whom I was talking.

His plan, simply, was as follows: On two occasions, one in September, 1972, and the other in October, 1972, Mr. McCord told me that he had called telephone numbers at foreign embassies in Washington and he stated he was sure these embassies were subjects of national security wiretaps. On both occasions he had stated that he was a man involved in the Watergate scandal and, without giving his name, had inquired as to the possibility of acquiring visas and other traveling papers necessary to travel to these foreign countries.

Report Made to Dean

It was Mr. McCord's theory that if the Government searched its wiretap records it would find records of these two calls. Meanwhile, Mr. McCord and his attorneys would make a motion in court, aimed at dismissing the case against Mr. McCord because of the use of wiretap evidence by the prosecution.

At no time in our first meeting do I recall saying anything about the President but I specifically renewed the offer of executive clemency, as indicated above and referred to it as coming from "the highest levels of the White House." At some point in the conversation Mr. McCord said to me, "Jack, I didn't ask to see you." This puzzled me since my clear understanding from Mr. Dean was that McCord had specifically asked to see me.

In any event, I called Mr. Dean on Friday night, Jan. 12, and reported that Mr. McCord did not seem interested in accepting the offer made in Mr. Dean's original message to him, that Mr. McCord wanted his immediate freedom and that he, Mr. McCord, felt that he had a way to obtain that freedom.

The following day I saw Mr. Dean in his office in the White House and explained to him Mr. McCord's suggestion for obtaining his freedom, as Mr. McCord had described it to me. Mr. Dean said, "Well, I'll check on that." He then turned the conversation back to the offer of executive clemency. To the best of my knowledge he said, "Jack, I want you to go back to him and tell him that we are checking on these wiretaps but this time impress upon him as fully as you can that this offer of executive clemency is a sincere offer which comes from the very highest levels of the White House."

I said, "I have not used anybody's name with him, do you want we to?"

He said, "No, I don't want you to do that but tell him that this message comes from the very highest levels."

I said, "Do you want me to tell him it comes from the President?"

He said words to the effect, "No, don't do that. Say that it comes from way up at the top."

At the meeting with Mr. Dean he also impressed upon me that this was a very grave situation which might someday threaten the President, that it had the potential of becoming a national scandal and that many people in the White House were quite concerned over it. Mr. Dean said that none of the other then defendants in the Watergate burglary "were any problem," and that Mr. McCord "was not cooperating with his attorney."

At no time, either before or after this meeting with Mr. Dean, did I ever speak to any other White House officials about this offer of executive clemency. I specifically never spoke to the President of the United States and have no knowledge of my own as to whether he personally had endorsed this offer or, indeed, whether anyone had ever discussed it with him.

Second Talk Set Up

Since I had worked extensively for Mr. Dean and Mr. Ehrlichman and had formed an impression that Mr. Dean rarely made decisions on matters of consequence without speaking to Mr. Ehrlichman, my guess was that when Mr. Dean referred to "high White House officials" he at least meant Mr. Ehrlichman. I know that he was in conversation with someone about my contacts with Mr. McCord since, when I was in his office on Jan. 13, he received a telephone call and I heard him say, "I'm receiving a report on that right now" to the party on the other end.

At any rate, I then called Mr. McCord and arranged a meeting with him, again at the second overlook of the George Washington Parkway early in the afternoon on Sunday, Jan. 14. On this occasion we both got out of our cars and walked down a path from the overlook toward the Potomac River.

This meeting lasted only 10 to 15 minutes. I did most of the talking. I told Mr. McCord that the White House was checking into the wiretapping situation and that I had been asked to impress upon him once again that the offer of executive clemency was a sincere and believable offer coming from the very highest levels of the White House.

I explained to him that among the reasons why I believed that such a commitment would be kept were that the White House officials with whom I was in contact were extremely concerned about the Watergate burglary developing into a major scandal affecting the President and therefore such a promise would not be given lightly. I told him that the White House officials with whom I was talking were complaining because they did not know if the President would be the only one of the Watergate burglary defendants who

was refusing to cooperate.

At no time on this occasion or on any other occasion do I recall telling Mr. McCord to keep silent if called before the grand jury or any Congressional committees.

Calls McCord Adamant

Later on Sunday I telephoned Mr. Dean to report on my meeting with Mr. McCord. I told him that in my opinion, McCord had absolutely no interest in the offer of executive clemency. I told Mr. Dean that Mr. McCord was still adamant in his belief that the White House had the power to have the charges against him dismissed if it would merely pursue the wiretaps which he had mentioned.

Mr. Dean said that I should tell him that there wasn't much likelihood that anything would be done about the wiretap situation and, in response to my comments about McCord's refusal to consider executive clemency, he said something like, "Well, what the hell does he know, anyway?"

On Tuesday, Jan. 16, I again called [McCord] an attempt to meet with him, and he again was highly irritated about the White House's failure to do something about the wiretap situation and again mentioned Mr. Magruder. I said I would say something for him "in a week or so."

Subsequently I called him and arranged to meet with him again, the exact date of this meeting being unsure in my mind. We again met at the overlook on the George Washington Parkway. He got into my car and we drove out the parkway, pursuing a course in the general direction of Warrenton, Va.

I gave him my private telephone number at the Treasury Department and told him that if he or his wife ever wanted me to do anything for them, they should feel free to call. I told McCord that if he or his wife should decide to call me, to simply use the name "Watson" and I would know who it was. Frankly, this was merely a

device to save me from any possible embarrassment.

I do not have a specific recollection as to how it arose, but I believe he asked me if he was still the only one of the Watergate defendants that the White House was concerned about. I said that I thought he was, but that I had no knowledge of what relationship existed between the White House and the other Watergate defendants. He said the Cuban defendants were quite nervous and in his opinion might make a statement at any time and that I "could pass that along for whatever it was worth."

I again asked if there was anything I could do for him. He said one thing that I could do was to see whether bail money could be raised for him pending an appeal in his case. I said I would check into this.

Toward the end of our conversation, realizing that he definitely was going to make a statement on the Watergate burglary at a time of his choosing and that such a statement would in all probability involve allegations against people in the White House and other high Administration officials, I gave him what I considered to be a small piece of friendly advice.

I said, words to the effect that, "Jim, I have worked with these people and I know them to be as tough-minded as you and I. When you make your statement don't underestimate them. If I were in your shoes, I would probably be doing the same thing."

I later called Mr. Dean and advised him of Dr. McCord's request for bail funding and he said words to the effect that, "Maybe we can handle that through Alch."

Sometime later, Mr. Dean called me and asked me to tell McCord that the bail money presented too many problems and that maybe consideration could be given to paying premiums. I later called McCord and reported this. His reaction was, "I am negotiating with a new attorney and maybe he can get it handled."

This is the last conversation I have had to date with James McCord.

WASHINGTON POST
24 May 1973

Tass Summarizes Nixon Statement

MOSCOW, May 23 (AP)

Tass published a brief summary today of President Nixon's Watergate statement and focused on Mr. Nixon's claims that he had nothing to do with the affair.

The Watergate scandal has been virtually ignored in the Soviet press, apparently in an effort to

avoid embarrassing Mr. Nixon at a time when he is to meet next month with party leader Leonid I. Brezhnev.

The government news agency quoted Mr. Nixon as saying the Watergate disclosures "came as a complete surprise to me. I had no inkling that any such illegal activities had been planned by persons associated with my campaign. If I had known, I would not have permitted it."

NEW YORK TIMES
24 May 1973

Excerpts From Testimony Before Senate Panel Investigating Watergate Case

Special to The New York Times

WASHINGTON, May 23—Following are excerpts from a transcript of testimony by John J. Caulfield and Anthony T. Ulasewicz in the fourth day of hearings on the Watergate case by the Senate Select Committee on Presidential Campaign Activities; and excerpts from a prepared statement to the committee by Gerald Aich, along with transcripts of his reading of certain documents that he interpolated into his statement:

MORNING SESSION

John J. Caulfield

MR. DASH. Although you state that you made no mention of the President to Mr. McCord during the meeting, you do know, do you not, that the President is the only person in this country who can grant executive clemency in a Federal criminal matter?

MR. CAULFIELD. Yes, sir, I do.

Q. Did you understand when you were speaking with Mr. Dean that Mr. Dean wanted you to transmit the message to Mr. McCord that the offer of executive clemency was made with the proper authority? A. Yes, sir.

Q. Was it your intention during your meetings with Mr. McCord to leave him with the clear understanding that persons with authority to make such a representation as to executive clemency were in fact extending this offer to him?

A. Yes, sir. But, of course, I have not and did not at that time have any direct knowledge that the President had made such an offer, endorsed such an offer, or in any way was involved in that offer.

Q. And was it your understanding, especially with the discussions you had with Mr. Dean, that there was serious concern at the White House, at least Mr. Dean was conveying to you, involving a possible scandal—that there was a real effort to get Mr. McCord to accept this offer because of the concern or trouble that probably he might be able to raise in the Watergate case?

A. That was my clear impression, Mr. Dash, yes, sir.

MR. THOMPSON. As you were talking to [McCord] about the possibility of executive clemency and he was responding to you, what would you say, according to what he told you, his primary interest was?

A. Very frankly, sir, as I reflect back upon the conversation, it is very clear in my mind that Jim McCord was concerned about his freedom and was taking the steps that he believed to gain that freedom totally. He was

uninterested in any deals of a year is a long time or other statements like that.

Q. In other words, he was not necessarily disinterested in any deals, but he was not interested in any deals that would not produce his freedom. Is that a correct statement? A. That is correct.

Ties to Ehrlichman

Q. Let me ask you about your relationship with Mr. Ehrlichman for just a few moments. How long did you work for Mr. Ehrlichman when he was counsel for the President?

A. From the day that I arrived at the White House on April 8, 1969, formally, through July, '70, when Mr. Ehrlichman moved over to the Domestic Council, and then on an informal basis from that time until the time I worked at the White House.

Q. Then, after Mr. Ehrlichman left the office of counsel for the President, Mr. Dean was his successor, is that correct? A. Yes sir.

Q. You remained, then, under Mr. Dean, is that correct? A. That is right.

Q. Did you have any contact or any continuing relationship with Mr. Ehrlichman after Mr. Ehrlichman left to go to the office of domestic affairs? A. Well, only on rare peripheral matters relative to the investigations that I indicated in my statement.

Q. And while you were working for Mr. Ehrlichman directly, as I understand it, you had possibly more than one function, with one of those to carry out certain investigations? A. Yes, I had many other functions, sir, but that was one small part of my duties at the White House.

Q. And you continued to do some of these matters for him pursuant to his directions after you left that office? A. On very rare occasions, sir.

Q. Would you on some occasions act as an intermediary between Mr. Ehrlichman and Tony Ulasewicz, for jobs which Mr. Ulasewicz would do? A. Yes sir.

Q. Would you say that would be on frequent occasions? A. That would be infrequent after July of 1970.

Q. Occasionally. A. Oh, yes, sir.

Q. Now, Mr. Caulfield, in your statement here, you state that you were guessing that Mr. Dean probably was referring to Mr. Ehrlichman when he referred to high White House sources? A. Yes, that was my guess.

Q. What would you say was the relationship between Mr. Dean and Mr. Ehrlichman during this period of time? Did Mr. Dean in any mat-

ters, in effect, report to Mr. Ehrlichman? A. Yes, sir.

Q. Or answer to Mr. Ehrlichman? A. Yes, sir, on many matters having to do with Mr. Dean's work as well.

Q. Did you ever talk with Mr. Ehrlichman about this matter, this business of possible executive clemency for Mr. McCord with anyone? A. No, sir.

Q. Did you ever talk to anyone there at the White House besides Mr. Dean? A. Absolutely no one but Mr. John Dean.

SENATOR MONTROYA. Did you ever get paid from the President's attorney? A. No, sir.

Q. Were you working or being paid from the payroll attributable to the Department of the Treasury or to the White House? A. The White House payroll, sir.

Haldeman Assignments

Q. Did Mr. Haldeman assign things to you? A. On only one or two occasions that I could recall, Senator. Very rarely; in fact, almost never.

Q. Let me read an extended text. On Page 9: "about 10 o'clock A.M. on Thursday, Jan. 25, 1973, in a meeting lasting until about 12:30 A.M., we drove in his car toward Warrenton, Va., and returned and a conversation ensued which repeated the offers of executive clemency and financial support while in prison and rehabilitation later. I refused to discuss it. He stated that I was fouling up the game plan. I made a few comments about the game plan." You recall that?

A. No sir, I do not. As I indicated in my statement, this trip here was one of friendly conversation between two friends. I have no recollection of offering him executive clemency on that

occasion. I have no recollection about stating that I was fouling up the game plan.

Q. Now, you mentioned that Mr. Dean had instructed you to say that it comes from way up at the top. A. Yes, sir.

Q. What did you conceive that to be at the time? A. Well, sir, in my mind I believed that he was talking about the President. Although—

Q. How would you have interpreted that without any further explanation? The same way? A. I do not understand, Senator.

Q. You mentioned that it was your impression that it must have come from the President. Now, did you, when you reached that impression, question Mr. Dean any further about it? A. No, sir.

SENATOR WEICKER. Mr. Chairman, I just have two or three brief questions; then I will yield.

Mr. Caulfield, turn to Page 19 of your testimony. You state there, "I have been asked by the U. S. Attorney's office and by Senator investigators and am trying as best I can to recall what impressions I had at this particular point in time. As best as these impressions can be stated, I believed that I was going back to see Mr. McCord to again extend an offer of executive clemency and that by my doing so I was doing a great service for the President of the United States in a very sensitive matter."

My first question to you, very simply, is this: Using your words, I would like you to comment and explain to me why it is—why it is—that you thought that you were doing a great service for the President of the United States?

Values Loyalty Highly

A. Well, sir, to go back a little bit, it was a great honor for me to serve as a member of the President's staff. I had come from a rather humble background, a police officer. I did receive this great opportunity to serve on the President's staff. I felt very strongly about the President, extremely strongly about the President. I was very loyal to his people that I worked for, I place a high value upon loyalty.

Now, out of the blue, I am injected into this scandal. I am being asked by one of my former superiors to deliver a message that I know to be executive clemency. I tried to avoid it, as my statement indicates. I imposed upon my friend to do it, hoping that all parties would be satisfied. I was not successful.

I was brought back in again to it, now being asked to see Mr. McCord directly. I did go to see him.

Now I am becoming further implicated into this matter. I had this conversation with John Dean, who was the counsel to the President. I had been there three years. I know what the relations are and how they exist. I make certain judgments based upon those relationships. In my mind, I felt that the President probably did know about it.

Now, I am going out the door, to become more specific, and it crossed my mind that this conceivably was for the President. I believed it. I had to think about that. And based upon all of that background, I believed I was doing something for the President of the U.S., and I did it, sir.

Q. Mr. Caulfield, You have

lived a life dedicated to the law. In the very beginning of your statement, you cite a career, a very fine career, one that was recognized time and time again. Let me ask you this question: As one of the conflicts—let me be more specific.

I read on page 24 of your testimony, where you are talking to McCord and where you have given a friendly piece of advice, and you say, "Jim, I have worked with these people and I know them to be as tough-minded as you and I. When you make your statement, don't underestimate them. If I were in your shoes, I would probably do the same thing."

I read that, and you tell me if I am wrong, as a man who is in conflict. On the one hand delivering a message to a friend; on the other hand, a man whose whole career has been dedicated to honesty and seeing the truth come out. Would that be a fair description of a conflict, that was occurring within you at that time?

A. There was a definite conflict, Senator. You are absolutely right. I know when wrongdoing is occurring. I have indicated here that I knew that the offer of executive clemency in this matter was wrong; yes sir, I knew that. But what I am saying to you sir, is that my loyalties, and especially to the President of the United States, overrode those considerations.

Q. So actually, there was a conflict between your loyalties and it is interesting that you used the very word that I had in a question here written before you made your statement. Did you feel that, at this moment in time, a conflict between your loyalties to the President and a life dedicated to law and the pursuit of truth? A. Yes sir. That is correct. And also that I was hopefully being able to help a friend.

Q. Then, lastly, Mr. Caulfield, on Page 25, you state "that I realize that at the time of my first conversation in January that I was involved in questionable activity but I felt that it was important for me to carry this message for the good of the President." Was there a conflict in your mind between doing an act for the good of the President and an act that would be for the good of the country?

A. That is a tough question, Senator. All I can say is that I did what I did for the reasons that I have stated.

SENATOR INOUE. On Page 34, this is one sentence that puzzles me. It says, "When you make your statement, don't underestimate them." A. Not to underestimate the tough-mindedness of all the players in this game.

Q. What did you think the other side would do to Mr. McCord?

A. I had no idea. It is apparent that Mr. McCord apparently has misinterpreted that, looking at his statement, but that was not the intention. I would say that to a friend that was about to make a major decision that would be tough, and I did.

SENATOR GURNEY. Referring to the previous testimony by Mr. McCord, at Page 320 of the record, he had this to say about his conversations and meeting with you:

"Caulfield stated that he was carrying the message of executive clemency to me from the very highest levels of the White House. He stated that the President of the United States was in Key Biscayne, Fla., that weekend," referring to the weekend following Jan. 8, "following meetings that we were in then, and that the President had been told of the results of the meeting."

Did you ever learn that the President had learned of the results of any of your meetings with Mr. McCord?

A. Absolutely not, sir.

Q. He also stated this further on in the testimony on the next page. Mr. McCord: "He," meaning you, "further stated 'I may have a message to you at our next meeting from the President.'" Did you ever tell him that? A. No, sir.

Q. Did you ever have any communication with the President of the United States with regard to this so-called executive clemency offer to Mr. McCord? A. None whatsoever, sir.

Q. Did you ever hear Mr. Dean in any of your conversations with Mr. Dean ever refer to the fact that he had informed the President of these meetings? A. No, sir.

Q. Did Mr. Dean ever say to you: "The President has instructed me to make this offer of executive clemency to McCord through you," or through anybody else as far as that is concerned? A. Absolutely not, sir.

Q. Did you ever apply any pressure to Mr. McCord in any of these meetings for him to do anything in regard to this upcoming trial? A. No, sir.

Did you ever urge him or advise him to plead guilty? A. Never.

SENATOR TALMADGE. Mr. Caulfield, are you still on the Federal payroll? A. Yes, sir.

Q. Did you call Mr. John Ehrlichman immediately after the break-in at the Watergate on June 17? A. Yes, sir.

Q. What did he say?

A. Well, I received a telephone call on the afternoon of June 17, about 3 or 4 P.M., as I recall, from a gentleman I worked with in the United States Secret Service, Mr. Patrick Boggs, and he called me and he said, "Do you know Jim McCord," and I said, "Yes, I know Jim McCord."

Q. What did you think the other side would do to Mr. McCord?

cratic National Committee. We are concerned because of our protective capabilities or responsibilities, rather in that area. We have some agents checking into it. Some of the people appear not to have given their correct names and we are getting a report that one of those not giving the correct name is Jim McCord."

He said, "Now, do you want to call John Ehrlichman or should I call him?"

After I had recovered from the shock I indicated, "Well, you go ahead and try and reach him and I will try to reach him as well."

And I called the White House board and I was told that he was en route to his residence. By the time that I did reach him Mr. Boggs had already contacted him. And I said to Mr. Ehrlichman, I said, "John, it sounds like there is a disaster of some type. Did you speak to Mr. Boggs?" He said, "Yes, what is this all about?" I said, "I haven't the foggiest notion what it is all about but they are saying they believed Jim McCord, who works for the committee, has been arrested in a burglary at the Democratic National Committee."

He said—I forget what he said exactly, I think it was a long silence, as I recall, and I said, "My God, you know, I cannot believe it." He said, "Well, I guess I had better place a call to John Mitchell." I said, "I think that would be very appropriate."

SENATOR ERVIN. Now, when you performed this mission for John Dean on these three occasions, what did you expect or, rather, what did you understand was expected of McCord in return for executive clemency? Did you infer from your conversation with Dean that under Dean's statements, McCord was expected to plead guilty, keep silent, receive a short sentence, and then receive clemency?

A. If he accepted the offer, that would be the way I

Anthony T. Ulasewicz

SENATOR INOUE. According to Mr. Caulfield's testimony you were a member of a "private security entity in Washington, D. C., providing investigative support for the White House." Is that correct? A. That is correct.

Q. You worked under Mr. Caulfield but were on the payroll of Mr. Kalmbach? A. That is correct.

Q. Will you describe some of your duties. One of the newspapers described you as the super spy. Is that a correct statement?

A. The newspapers have painted quite a few pictures of me recently, but I was no spy, of course, of any kind. I did investigative work in support of whatever Mr. Kalmbach was doing. I did no slanderous spying as the

newspapers' allegations, etc. I would best put in its category is probably supporting anybody who is conducting legitimate investigations. I used no wiretaps, I never use any surveillance, etc.

SENATOR BAKER. You think your wiremen [in the New York Police Department] were better than McCord's wiremen? A. I will tell you, any old retired man in the New York City Police Department who would become involved in a thing like that, he thought he had to for whatever reason it was, he would not have walked in with any army, that is for sure.

Q. How could you have gained the information that Mr. McCord obviously or apparently was seeking?

A. If it is a question of obtaining information from the Democratic party, Republican party or anybody else, the easiest way is to write a postal card asking them to mail you all their leaflets. They will put you on their mailing list and you will have everything.

AFTERNOON SESSION

Gerald Alch

MR. ALCH. Mr. McCord has made allegations concerning my conduct in the defense of his liberty. These allegations are, in some instances, completely false and, in other instances, have been twisted out of context into untruths, presumably to serve his present purpose, whatever that may be, but which impugn my personal standards of ethical and legal behavior.

On a Saturday morning [in July] I met with him for the first time. He identified himself as one of those arrested in the Watergate building on June 17, 1972. He told me that he had taken a calculated risk in doing what he did and was prepared to face the consequences. Within that framework, however, he indicated he wanted the most effective legal representation possible.

I asked Mr. McCord to give me specific details attending the Watergate break-in, but he specifically declined so to do except to state his personal motivation, i.e., the protection of others. I explained to him that since he had been physically apprehended in the Watergate complex, he could obviously not deny that fact and inquired as to his motivation in so acting.

He told me that as chief of security for the Committee to Re-elect the President, he had received information to the effect that various antiwar demonstrations by groups which he described as "radical" were being planned for the upcoming Presidential election and that these demonstrations had, in the past and would invariably in the future, lead to violence or the threat thereof to various prominent Republican offi-

cials, including, but not limited to members of the Committee to Re-elect the President of the United States, I told him that I would explore whether or not this motivation could, in any way, be embraced by a recognized legal defense.

Memorandum From McCord

He would, almost daily, send to me clippings from various newspapers published throughout the country, reflecting reports of antiwar groups, activities which in some instances involved violence. In fact, at one point, he sent to me a typed memorandum reflecting this alleged motivation for his conduct which memorandum included various legal citations of law, which he believed to be in support of the defense he wished me to present. I have made available to this honorable committee copies of three such memorandums, accompanied by a hand-written note from Mr. McCord which reads as follows:

[In his testimony, Mr. Alch at this point read the following note into the record:

"Gerald, I well understand that it is your job and not mine to work up a defense. Nevertheless, I have been putting together some ideas and collecting every newspaper clipping I can find which may be of help later. I am strongly oriented toward the grounds of self-defense and defense of others and of property as my defense. I believe we can make the strongest defense on these grounds. We both of course have to talk this out at length and you have the final say in this matter. With best regards, Jim."

[Mr. Alch then resumed reading his statement.]

I do this to emphasize this fact: that Mr. McCord was from the beginning in complete agreement with the defense ultimately presented in his behalf. At no time did he ever state to me that he believed the Watergate "operation" to be legal as a result of the alleged involvement of the then Attorney General, the counsel to the President, or anyone else. Mr. McCord explained to me his belief of a direct relationship between these potentially violent antiwar groups and the Democratic party and that his participation in the Watergate burglary was accomplished in the hope of obtaining advance evidence of planned potentially violent demonstrations.

I advised that the law of "duress" allowed for the perpetrator to possess criminal intent, that is, to know that he was breaking the law and that therefore, based upon what he had told me with regard to his own motivation, this defense was not only compatible therewith, but in my opinion, constituted the only defense available. Mr. McCord wholeheartedly agreed. And I commenced to prepare the case on this basis. I also received from Mr. McCord an outline of a pro-

posed book he was in the process of writing entitled "Counter Espionage Agent for the Republicans — The True Story of the Watergate Case." Copies of this outline have also been provided to this honorable committee.

[In his testimony, Mr. Alch at this point read the following into the record:]

It was an outline listing such chapters [as] "The Beginnings," "The Committee to Re-elect the President," Background to Violence and Political Espionage," "Jack Anderson, the Man Who Brought You the Eagleton Case," "The Political Opposition," "The Watergate Incident, the True Story," "The Defendants," "The Grand Jury," "The Lawyer," "The Investigators," "The Congressional Committees," "The October Phase," "The News Media," "The Final Story," with a prologue, as the book goes to print, "If the Democrats Had Had Alarms and Guards."

[Mr. Alch then resumed reading his statement.]

There were other memoranda that I received from time to time from Mr. McCord which suggested for consideration other potential defense material which I rejected. One such memorandum, copies of which have been provided to this honorable committee, listed and discussed such topics as "The Mafia and Democratic National Committee Funds and Personnel," "Flying Tigers and Anna Chennault," "Israel and the Mafia."

On several occasions, Mr. McCord told me that he was convinced there existed a concerted effort on the part of his co-defendants and their counsel to make him the "fall guy" of the Watergate operation. On one particular occasion, he mailed to me a memorandum, copies of which have been provided, reflecting his belief. Said memorandum reads as follows:

[In his testimony, Mr. Alch at this point read the following memorandum into the record.]

Dated Oct. 17, 1972, subject, "Shift of the Focus of Publicity."

"Gerry, about a week ago, Newsweek reporters told my men that the F.B.I. had been leaking information to them relative to my case and some of the material would appear in the next two issues. Last week, one item appeared regarding an office of mine rented on K Street, D.C. This week's issue, Oct. 23 date, carries for the first time an allegation that I was the 'ringleader' of the Watergate operation. Instead of being fourth down the ladder from Liddy, Hunt, and Barker, I am now the 'ringleader,' according to the F.B.I. This had been predicted, that I would try to be made the focus in order to draw the attention away from the W.H. men, Liddy and Hunt. I could see it come gas early as August and more particularly, two weeks ago, when you and I

talked. hTe F.B.I. leaks to Newsweek are no accident. It is as predicted. Jim."

[Mr. Alch then resumed reading his statement.]

I advised Mr. McCord that I had kept abreast of newspaper coverage of the Watergate incident and that, in all honesty, could discern no effort on anyone's part to foist upon him prime responsibility for the offenses charged. He disagreed with me and I told him that I would subsequently discuss the matter with other defense counsel.

At another time prior to January, 1973, Mr. McCord advised that he had made telephone calls to the Israeli Embassy on Sept. 19, 1972, and to the Chilean Embassy on Oct. 10, 1972. He did not divulge the contents of these telephone conversations.

His theory was that the Government, rather than reveal such activity, would dismiss the cases against him.

Surveillance Alleged

I received a letter from him dated Aug. 23 reflecting these thoughts, copies of which I have made available to this honorable committee.

It is interesting to note the last paragraph of this memorandum which reads as follows:

"Enjoyed the visit with you and appreciated your advice. I have got a great lawyer and am well aware of that fact. With best regards, Jim."

In addition, I have provided this honorable committee with copies of undated memorandum from Mr. McCord, reflecting four telephone calls: One from Chile to McCord's office; another from Mr. McCord's office to the Chilean military attaché; a call to the Israeli Embassy from Mr. McCord's home and a similar call to the Chilean Embassy. As a result thereof, I made an appropriate motion for disclosure of any Government electronic surveillance in any way pertaining to Mr. McCord. Mr. Silbert's response was that he had no knowledge of any such surveillance. Again, at my client's insistence, I made a second similar motion at the bench during trial, explaining to Chief Judge Sirica that I was doing so at my client's insistence that such calls had, in fact, been made and had been electronically intercepted.

The Government again stated its total lack of knowledge of any such activity and, accordingly, no action was taken on my motion.

With regard to opportunities presented to Mr. McCord to tell all that he knew with regard to the Watergate operation, I state the following:

On or about Oct. 25, 1972, the Government conveyed to local counsel, Bernard Shankman and my associate, Mr. Johnson, an offer to accept from Mr. McCord a plea of guilty to one substantive count of the indictment and in return for his testimony as a Government witness, a recommendation of leniency

would be made to the court. The Government indicated, however, that it could not and would not recommend any type of sentence which would allow Mr. McCord to remain at liberty. This offer was transmitted to Mr. McCord and was unequivocally rejected.

On November of 1972, a second plea offer was received from the prosecutors. At this time, the offer was essentially similar to the first offer, except that Mr. McCord would have to plead to three counts of the indictment instead of one. The explanation for this change of position was that the Government's case had grown considerably stronger. This offer, which also involved Mr. McCord's testifying as a Government witness, was related to and again rejected by Mr. McCord.

A Third Rejection

I advised Mr. McCord after an in-camera session with Chief Judge Sirica, that there still existed an opportunity for him to appear before the grand jury, even at that stage of the trial, to make full disclosure. I have been informed that the committee has been provided with a transcript of that in-camera proceeding and therefore will not attempt to paraphrase the words of Chief Judge Sirica. This third opportunity was turned down by Mr. McCord.

I take the liberty of bringing these three instances to the attention of this honorable committee since, in my opinion, Mr. McCord, in portions of his testimony before you on May 18, 1973, implied that I had pressured him to plead guilty and remain silent. I state to you that this is not so, and refer you to the question asked of Mr. McCord by Senator Ervin on May 18, and I quote, question: "Now, did your lawyer urge you to enter a plea of guilty? I am talking about Mr. Gerald Alch." Answer: "I do not recall that, no sir." That portion, at least, of Mr. McCord's testimony, is accurate.

With regard to the allegations of Mr. McCord to the effect that I suggested that the C.I.A. be brought into the case in a defense posture, I state the following:

As heretofore explained, I had decided to base Mr. McCord's defense on the theory of "duress" for two basic reasons. (1) It was the only legally recognized defense that I felt was supportable. (2) More importantly, it appeared to be the factual truth, based upon Mr. McCord's explanation of his own motive.

In December of 1972, I attended one of several meetings of defense counsel, the purpose of which was to discuss various aspects of trial strategy. I proceeded to explain the defense that I was contemplating. A discussion ensued wherein some of the other defense attorneys reasoned that this "security mo-

tive" would be applicable only to McCord, in view of his position as chief of security for the Committee to Re-elect the President.

In the general discussion that followed, the question arose as to whether or not the C.I.A. could have been involved. It was pointed by others that all of the individuals apprehended in the Watergate complex had some prior connection with the C.I.A. and that one of the Cuban-Americans had been in possession of what appeared to be C.I.A.-forged documents.

Before the meeting went on to other topics, it was agreed that each lawyer would ask his respective client whether or not he had any knowledge of any C.I.A. involvement. When the meeting terminated, I telephoned Mr. McCord at his office and asked him to meet with me and local counsel, Mr. Shankman, at the Monocle Restaurant for lunch. During lunch, which lasted for approximately 45 minutes, I asked Mr. McCord whether, to his knowledge, the C.I.A. was in any way involved with the Watergate venture.

He did not directly respond to this specific question, but did become quite upset at what he believed to be the antagonism of the White House against the C.I.A. He cited the dismissal of Helms as C.I.A. director and the appointment of Schlesinger in his place, as an attempted "hatchet job" by the Administration against the C.I.A. He did venture his observation that if any C.I.A. officials were subpoenaed that they would not and could not comply with said subpoena.

Because of the brevity of the luncheon and because of the obvious need for more detailed pretrial preparation meetings, I asked Mr. McCord to come to Boston in a few days, which he agreed to do.

On or about Dec. 26, 1972, Mr. McCord came to Boston and initiated our conversation by stating that the C.I.A. was not involved and that he would have no part of any attempt to involve that agency. He asked that I relay this position to other defense counsel at our next meeting, which I agreed to do, and in fact did.

I did not, after advising other defense counsel of Mr. McCord's denial of C.I.A. involvement, engage with other counsel in any further conversation of any potential defense involving the C.I.A. At no time did I suggest to Mr. McCord that the so-called C.I.A. defense be utilized, for the defense of "duress" had already been agreed upon, but I merely asked him whether or not there was a factual basis for this contention.

Mr. McCord's allegation that I announced my ability to forge his C.I.A. personal records with the cooperation of then Acting C.I.A. Director Schlesinger is absurd and

completely untrue. I have never had the privilege of meeting Mr. Schlesinger and no such statement was ever made. My local counsel, Bernard Shankman, who was present at the Monocle, can corroborate this.

Mr. Shankman, Mr. McCord, and I hailed a cab and at the last minute, co-defendant Barker asked if he could ride in the cab with us. Why Mr. Barker was going to Mr. Bittman's office, I do not know. There was no significant conversation with Mr. Barker in the cab.

Mr. McCord has alleged that I told him that the purpose of going to Bittman's office was that Mr. Bittman wanted to talk with him about "whose word he would trust regarding a White House offer of executive clemency" and that Mr. Bittman wanted to talk to Mr. Barker as well.

Discussion of Hunt Plea

This is not true. I merely said to Mr. McCord that prior to the scheduled daily post-court meeting between he, Mr. Shankman and myself, that we would stop at Mr. Bittman's office, for I wanted to discuss with him the ramifications and details of Mr. Hunt's proposed change of plea.

When we arrived at Mr. Bittman's office, Mr. McCord has alleged that I sensed his anger at Mr. Barker's presence, and therefore delayed going up to Mr. Bittman's office for approximately 30 minutes. The simple truth is that I suggested that we three have a cocktail and Mr. McCord, Mr. Shankman and I went into a restaurant directly across the street from Mr. Bittman's office for just that purpose.

When we arrived at Mr. Bittman's office, I went with Mr. McCord and Mr. Shankman to the firm's library and went back to Mr. Bittman's office to see if he was there. I had a discussion with him in which he confirmed the judge's refusal to entertain any change of plea by Mr. Hunt until after opening statements. At this point, I mentioned to Mr. Bittman that I felt my client was becoming a bit paranoid, that he felt he was being made the "patsy" or "fall guy."

I mentioned it at that time since in my mind, that allegation seemed inconsistent with Mr. Hunt's desire to plead guilty. After I mentioned Mr. McCord's apprehension, my recollection is that Mr. Bittman said in words or substance, "Tell McCord he will receive a call from a friend of his." Mr. Bittman did not mention the "White House" as alleged by Mr. McCord. The identity of this friend was not made known to me, nor did I make inquiry in this matter. I considered the possibility, without actually knowing, that the purpose of this call was to allay Mr. McCord's fears of the government turning against him, and that the caller could very well be

Mr. Bittman's client, Mr. Hunt.

I considered this possibility in view of the context of the conversation immediately preceding Mr. Bittman's remark, that is, my statement in accordance with Mr. McCord's request, of his apprehension with regard to his co-defendants. I subsequently told Mr. McCord just what Mr. Bittman had told me, that he would receive a call from a friend. I did not mention the words "The White House" because Mr. Bittman did not mention those words to me. Mr. McCord nodded, said, "O.K." and had no further response to my statement.

McCord's Letter Cited

Sometime later — the trial was in progress — Mr. McCord told me that he had been in contact with a man by the name of Caldwell. He specifically stated that he did not wish to tell me who this man was or the subject matter of his conversation with him. In response, I told Mr. McCord that that was his prerogative.

In this regard, I respectfully invite the attention of this honorable committee to Mr. McCord's letter to Chief Judge Sirica of March 19, 1973, of which I had no prior knowledge. I respectfully refer to the next to the last paragraph on Page 2 of this letter in which Mr. McCord, after alleging such things as political pressure applied to the defendants to plead guilty and remain silent, stated, and I quote, "I have not discussed the above with my attorneys as a matter of protection for them."

Mr. McCord has alleged that the subject of executive clemency was discussed on this day, Jan. 8, 1973.

This is not true. In late 1972, during one of the pretrial meetings of defense lawyers in Washington, I had an occasion to say to Mr. Bittman, "Bill, what do you think our clients will receive as a sentence would they be convicted?"

Mr. Bittman responded in substance, as if theorizing, "You can never tell, Christmas time rolls around and there could be executive clemency."

I scoffed at this notion and told Mr. Bittman that in my opinion, the President would not touch this case with a 10-foot pole, let alone exercise executive clemency.

This subject had not been on any agenda, but arose in which I characterize as "lawyer's talk." Subsequently, but not on the same day, I mentioned this to Mr. McCord in a most skeptical manner, and said to him, "Jim, it can be Christmas, Easter and Thanksgiving all rolled up into one, but in my opinion, the President wouldn't touch this with a 10-foot pole." Mr. McCord laughed and agreed with me.

That was the only occasion that the words "executive clemency" were ever mentioned in connection with my client. I have neither met John Dean nor spoken to

him in my life. I have neither met John Caulfield nor spoken to him in my life.

Move Rejected by Judge

During the trial, I presented to Chief Judge Sirica my contemplated defense theory of "duress" supported by a memorandum of law. Several days later, after receiving a written response from the Government, the court ruled as a matter of law that this defense did not apply to this case, thereby precluding me from presenting evidence in support thereof and from relying upon it in closing argument.

After opening statements, Mr. Hunt pleaded guilty, the four Cuban-Americans pleaded guilty at which time I filed a motion for mistrial which was denied.

When this happened, I explained to Mr. McCord that the only possible remaining defense was the general defense of "lack of criminal intent" but advised him in my opinion, it had little or no legal merit for it was asking the jury to believe that he did not know he was breaking the law when he broke into the Watergate complex and that this, to say the least, was not very "salable."

Mr. McCord indicated his understanding of our position, told me that he was, nevertheless, most pleased with my exerting my best efforts with regard to the proposed theory of "duress" and asked whether or not the judge's ruling could be a point of appeal in the event of conviction. I told him that it could and would be, that the record had been in that regard, and he indicated his complete satisfaction with the then existing situation.

As the trial approached the completion of the Government's case, I conferred with Mr. McCord at one of our daily post-trial meetings and told him that a decision would have to be made regarding whether or not he would take the stand. I explained to him that if he elected to testify, it would be his obligation to answer any and all relevant questions. It was at this time that Mr. McCord told me that he had evidence to the effect that the Watergate operation had been approved by John Mitchell.

I asked him the nature of the evidence and he told me he had been so advised by Mr. Liddy. I asked him if he had any other corroborative evidence and he told me he did not. I told him that although this was technically hearsay, it would be admissible as a declaration by one co-conspirator to another and told him to understand beyond any doubt, that should be taken the stand, that question would in my opinion be asked and an answer required.

I told him that if he elected to take the stand, full disclosure would be necessary; that I was with him all the way, but that this

crucial decision of whether or not to testify could only be his. I did advise him, however, to resolve this question as soon as possible and not advise me of his decision at the last minute, thereby precluding adequate time for preparation of direct and cross-examination.

Praise for Work Recalled

What I am now about to relate is not for the purpose of self-commendation, but is stated to show and emphasize the relationship that existed between Mr. McCord and I from the beginning to the end of the trial. There was not a day of trial that passed without Mr. McCord shaking my hand at the end of each day and telling me what a superlative job I had done. He used adjectives such as "terrific," "outstanding," etc., and expressed his total and unequivocal satisfaction and appreciation for my efforts.

I remember the day of final argument when present in the courtroom were Mr. McCord's wife, his son, his daughter, and his parents. After my final argument, they all came up to me and profusely thanked me for the words I had uttered on Mr. McCord's behalf. They said they were proud of my description of Mr. McCord and that they were "thrilled to sit there and hear it."

To further demonstrate the status of my relationship with my client, I have provided this honorable committee with a copy of my letter to Mr. McCord, date Feb. 6, 1973, while he was incarcerated at the District of Columbia Jail. I specifically refer the attention of this honorable committee to the third paragraph thereof which reads as follows:

[In his testimony, Mr. Alch at this point read the following paragraph into the record.] "I again reiterate to you that I shall continue to do everything possible on your behalf and shall stay with you in all that may lie ahead. Having a client convicted can never be a source of gratification to an attorney. I will, however, always remember your vote of confidence in me before, during and after trial."

[Mr. Alch then resumed reading his statement.]

I immediately commenced my efforts to effectuate Mr. McCord's release on bail. I remember his expressing dissatisfaction at being placed in a maximum security area. I immediately spoke to the prison superintendent and asked if anything could be done. No commitment was made, but I was told that my request would be given every consideration.

I recall my first visit to Mr. McCord at the jail. When he first saw me, he was approximately 20 feet away. He broke out into a wide smile, extended his hand and accelerated his pace. He told me how glad he was to see me so that he might again express his gratitude for my

efforts in his behalf. I remember him telling me how as his attorney and he again re-emphasized his belief that my job for him was beyond reproach.

He told me that his wife was contacting friends with regard to bail, but he specifically asked that I call a man by the name of Bernard Fensterwald, whom he said might be very helpful in raising bail. [I] called him from the pay phone at the jail, immediately after leaving Mr. McCord.

Prospects 'Looked Good'

He told me that he thought he could arrange to meet the bail requirements within a matter of days; that he had "friends" with whom he was in contact; that these friends stated that things "looked good" and that I should stay in daily contact with him. I immediately related this hopeful news to Mrs. McCord and she was understandably overjoyed at the prospect of her husband's imminent release. Daily phone calls were made to Mr. Fensterwald. I was not always able to reach him directly, but when I did, he would tell me that his friends were still working on it and to keep in daily contact.

Several days passed. The word from Mr. Fensterwald was still inconclusive, i.e., he was still waiting word from other people. Then, during one of my telephone calls, he told me that these other contacts had fallen through, but that he was ready, willing and able to personally borrow the full amount of \$100,000 a nd that he could do so by "just gong down to the bank and signing the note."

He told me that his motive for so acting was that he was "outraged" at the high bond set by Chief Judge Sirica and felt this to be a gross injustice, which he was taking upon himself to rectify. This was, I believe, in February of 1973. I told him I would call him the following day. When I did so, he told me that he had been refused by the bank, but that he was looking to "another source" for funds. He did tell me, however, to ascertain from Mrs. McCord, how much she could raise through friends and relatives so that he could attempt to come up with the balance.

I again visited Mr. McCord and advised him of the progress. He told me that when I spoke to Mr. Fensterwald again, I was to be sure to relate to him his, [Mr. McCord's] gratitude. I left Mr. McCord, went to the phone booth in the jail, called Mr. Fensterwald and related McCord's thanks. Mr. Fensterwald's reply was, "I don't see how he can send his thanks to me because I never even met the man."

This seemed unusual to me to say the least, that a man would be doing what Mr. Fensterwald said he was trying to do for someone he had never met. Mrs. McCord subsequently advised that she

was able to raise \$60,000. I related this to Mr. Fensterwald who said he would be able to produce the remaining \$40,000. This was shortly thereafter accomplished and Mr. McCord was out on bail awaiting sentencing.

When the date of sentencing arrived, I was engaged in trial in Federal court in Chicago, Ill. I was asked for, and received permission to adjourn the trial for the day of sentencing, so that I might be present with Mr. McCord in court.

This was the day when Chief Judge Sirica read in open court Mr. McCord's letter of 3/19/73 of which I had no prior knowledge.

When Chief Judge Sirica called a 20-minute recess immediately following his reading of the letter, I sat with Mr. McCord at the counsel table and asked him why he had not informed me of his intentions. He apologized for so doing and again repeated that he had not advised me of his allegations as a matter of his own protection. Is asked him what he wanted me to do. He told me he wished to speak privately, with me being present, to Chief Judge Sirica regarding the allegations of his letter and asked that I advise the court of this request.

A Meeting in Courtroom

During this conversation, a man approached Mr. McCord and said in what I can best describe as a whispered or hushed manner, "If you need an office, you can use mine right after court." Mr. McCord nodded and I asked Mr. McCord who this man was. Mr. McCord identified the individual and introduced him to me as Bernard Fensterwald.

This was the first time I had met the man with whom I had had so much telephone contact pertaining to bail. Mr. McCord said to Mr. Fensterwald, in my presence, "The one thing I feel sorry about is keeping Gerry in the dark and pulling this on him." Mr. Fensterwald replied, "Sorry hell, let it all hang out."

Subsequently, Mr. McCord called me and said that since I was away on trial and that since things were "breaking so quickly" didn't I think it was a good idea for him to retain local Washington counsel. I said, yes, I thought it was a good idea. He asked me if I had any objection to Mr. Fensterwald, I said I had none, and Mr. McCord advised me this would be done. My next contact with Mr. McCord was when he, I, and Mr. Fensterwald met the night before our last court appearance before Chief Judge Sirica at which time the sentencing was continued until June 15, 1973.

Mr. McCord was extremely upset what he believed to be unfair newspaper coverage of his disclosures. He kept smashing his fist on my suitcase. At this point, Mr. Fensterwald said to Mr. McCord, "The reporters have been asking me whether or not you

or I had ever had any past relationship. I told him that we had."

At this point, Mr. McCord looked up with a surprised expression. Mr. Fensterwald said, "Well, after all, you have in the past submitted to me checks which were donations to the Committee for the Investigation of the Assassination of the President." Mr. McCord smiled and said, "Oh, yeah, that's right."

[Next] morning, in court, I asked for and received a continuance of sentencing to June 15, 1973. I advised the court of Mr. McCord's desire to cooperate fully with both the grand jury and Senate committee and further advised of Mr. McCord's preference to first testify before the Senate committee.

Subsequently, while I was still on trial in Chicago, I did receive several phone calls from Mr. Fensterwald and I recall that in one telephone conversation he said to me, "What do you think of all that is going on?" referring to the disclosures being made by Mr. McCord. To this I replied, "Whatever is right for Jim McCord is all right with me."

Mr. Fensterwald replied, "We're going after the President of the United States." I replied that was not interested in any vendettas against the President but only in the best interest of my client, to which Mr. Fensterwald replied, "Well, you'll see, that's who we're going after, the President."

During another telephone conversation with Mr. Fensterwald, he stated that he was most displeased with the reaction of the Republican members of this honorable committee, to Mr. McCord's submitted memoranda and further stated that "I'll submit memoranda but I don't want the Republicans to see them."

Subsequently my contact with Mr. McCord and Mr. Fensterwald diminished. On May 8, 1973, my secretary gave me a message reflecting a call from The Los Angeles Times in regard to a four-page memorandum of Mr. McCord, involving the C.I.A., that was about to be published the following morning.

I called Mr. McCord that night, was told by his wife that he was not in, and I left a message for him to call me. He never did. The following day, The New York Times published a memorandum by Mr. McCord, alleging that I had stated that I could obtain forged C.I.A. documents with the cooperation of the director of the C.I.A.

At approximately 5:30 P.M. on May 8, 1973, I contacted Mr. Fensterwald by telephone and asked him to explain these false allegations made by Mr. McCord.

Mr. Fensterwald stated, "I can only hazard the guess that it is the result of Mr. McCord's faulty recollection." He added, "I can tell you one thing, it's a terrible cliché, but I think you will agree with it, that there is no zealot

like a convert." I had had no further contact from Mr. McCord.

Mr. McCord has accused me of exerting pressure upon him, but I respectfully request this honorable committee to take note of the following facts:

1. Mr. McCord did not plead guilty.

2. He admitted, under oath,

in response to a question put to him by Senator Ervin, that I never urged him to enter a plea of guilty.

3. In his letter of March 19, 1973, to Chief Judge Sirica, in referring to his allegations of improprieties, including but not limited to political pressure, stated, "I have not discussed the above with my attorneys as a matter of

protection for them."

4. Mr. McCord proceeded to trial defense based upon what he told me to be the truth.

I have done nothing wrong and am, therefore, not afraid, but am upset as a practicing criminal trial lawyer.

How can a lawyer effectively represent his client

when faced with the possibility that the man for whom he is working night and day is constantly making a record of privileged conversations with the intent of subsequently violating this privilege by making false accusations and by selectively extracting statements out of context and twisting them into untruths?

NEW YORK TIMES
24 May 1973

Excerpts From White House Briefing on Nixon Statement About Handling of the Watergate Investigation

Special to The New York Times

WASHINGTON, May 23 —

Following are excerpts from the transcript of a White House news briefing yesterday by Ronald L. Ziegler, the White House press secretary; Leonard Garment, President Nixon's Counsel, and J. Fred Buzhardt, Special Counsel to the President, on Mr. Nixon's statement on the Watergate affair:

MR. GARMENT. Over all, I would say that there are three questions with respect to the statement that might be usefully addressed in very general fashion by me, preliminary to your questions. First, what is the nature and intent of the statement; secondly, why is it issued at this time; and third, what will happen after the statement is issued and comments are made upon it?

Q. And fourth, why isn't the President making it.

A. We will take the questions when I finish my direct statement, Miss Thomas.

It is a statement by the President, of course, which undertakes to set out the President's relationship to the extent that there was any relationship to the Watergate incident and to the sequence of events following the Watergate break-in. It undertakes in that connection to state what the President knows and what he recalls.

Secondly, the statement undertakes to describe certain essentially unrelated national security transactions during the period from 1969 through 1972 that have become entangled in the comment and testimony relating to the Watergate.

It also undertakes to set these transactions into a proper perspective so that they are not confused one with the other or with the Watergate issue itself.

The second large question that might be raised, and I am sure would be raised, is, why is the statement issued now? The answer is, I think, obvious to most of you in that there has been an increasing number of allegations and charges, a virtual Niagara of charges from public proceedings and leaks from private official investigations conducted in secret and these charges, many of

them hearsay, two or three steps removed from knowledgeable assertions of fact, have in many instances been bantered as fact in news accounts, in newspapers and on television.

Finally, I might add that there are two additional reasons for the issuance of this formal statement by the President at this time, one being the need to prevent the further disclosure of certain sensitive materials. The statement undertakes to describe why certain of the documents that are now before investigating committees were prepared, and the circumstances under which they were prepared, and why the documents deposited by John Dean a couple of weeks back in a safe deposit box are not germane to any of the issues now under discussion, and that further disclosure of the materials contained in the Dean documents would not be in the national interest.

Timing of Statement

Q. Len, why did he [Mr. Nixon] not do this two or three weeks ago?

Mr. Garment. Well, I can only speak from my own standpoint and my own knowledge of what was known and what was not known at that time, and I think what we have had to deal with are limitations on the amount of information available to the President and the staff.

In addition, I would remind you that documents such as the so-called Dean papers were deposited in a safe deposit box, keys tendered to Judge Sirica, and for that period of time neither the White House nor anybody else, to my knowledge, had the faintest idea what documents had been placed in the vault.

Q. This statement is laced with references to covert C.I.A. operations and they are used in mitigation of Presidential actions because he wanted to protect these operations, as I read the statement. Now, can you let those covert operations stand without explaining a little bit more about what they were, and why should the C.I.A. what are purely domestic

concerns?

MR. BUZHARDT. I am afraid I can't help you with giving you covert C.I.A. secret operations. I don't know them. As the President's statement says, although there was raised the possibility that there might be C.I.A. involvement, it turned out that there was not.

C.I.A. Involvement

Q. At what point did he find out there was no C.I.A. involvement in the Watergate break-in?

MR. BUZHARDT. I don't know the precise date. There was no record made of it.

Q. This statement says on Page 5 that "within a few days, however, I was advised that there was a possibility of C.I.A. involvement in some way." Just who advised the President of this? The statement doesn't say.

MR. BUZHARDT. I don't know the answer.

Q. Well, can't the White House tell us what was going on? Just who advised the President of this?

MR. GARMENT. There are some transactions that can be stated with certainty. There are others that must be stated with a certain degree of generality. The question of who, out of a possible number of persons, whether it be two, or three or four, who might have drawn particular information to his attention, or the totality of circumstances from which that suspicion or knowledge of supposed fact came, is something that really cannot be stated with certainty at this time.

This may be only the first stage in a rather lengthy and complex process of discovery of the facts and the reconstruction of recollections, including joining issue on certain conflicting matters at a later point.

Q. Len, can I follow up? Are you saying in this key point as to who gave the President the information that led to the cover-up, that no one at the White House, the President cannot say who?

MR. GARMENT. I am saying that at this point, at the time of the issuance of this statement, we are not in a position to state the fact of

that transaction with any greater particularity than stated in this document.

Q. Ron, despite the President's denial in Paragraph 2 of this short one, doesn't the statement amount to the fact that he acquiesced in an alleged cover-up of Watergate in order to protect the wiretaps, the special intelligence unit —

MR. ZIEGLER. In no way whatever.

Q. Mr. Garment, in the summary which the President has made, points 4 and 5 seem to interrelate and leave the impression with me, at least, that the President, after the Watergate, issued orders that the investigation would be restricted to the incident itself. Now, is that a correct interpretation?

MR. GARMENT. I think that is correct. I think the intent, as suggested rather clearly by these words, was that the President was not concerned about restricting the Watergate, or transactions of this sort, but to avoid getting into another area which was unrelated to Watergate.

Q. But how would —

MR. GARMENT. May I finish answering your question? — that this particular instruction was designed to avoid having the investigation move unwittingly, if you will, into an area covered by some of the legitimate covert operations that the President was aware of and that are discussed earlier in his statements.

Q. Specifically, does this instruction —

Q. I want to follow this up. Did the President ask for a restriction on the F.B.I. investigation in Mexico?

MR. GARMENT. No, there is nothing that I have ascertained—and I think my colleagues will join me—in these weeks of investigations that would suggest that at all.

Q. I want to make sure, on the recollection aspect. The President has just recollected that less than three weeks after the Watergate break-in, his F.B.I. director informed him that higher-up White House officials were involved? He just recollected

that recently? Is that correct?

Q. One more question. Because it has been banded about for 11 months now, when there was the so-called Dean report, if there was one, who reported the results to the President? How was it done and was the President satisfied? Did he ask no questions?

MR. GARMENT. Helen, I followed a number of the briefings on this, and I think that they do accurately describe the situation that took place at that time.

Q. You are not giving me an answer.

MR. GARMENT. I think you have had answers on this subject.

Q. No. Who?

MR. GARMENT. Well, I think you have from Ron.

Q. Tell us again what you know?

MR. GARMENT. I really don't want to cover all that ground.

MR. ZIEGLER. The position is stated for the previous briefings.

Q. It was not stated in previous briefings.

'Tell Us the Facts'

Q. Just tell us the facts as you know them. We don't have that clear.

MR. GARMENT. Miss McClellon, I have not myself undertaken to study the record, and to determine independently what took place with respect to that investigation. I know generally that there was asked, one might say, what was believed to be an investigation or an alleged investigation during that period.

There were constant reports that were made to Ron Ziegler with respect to the results of an investigation

for purposes of enabling him to respond to questions on that subject, and as I understand it, those comments referring to an investigation allegedly under way were made to Ron by John Dean.

Q. Why can't you say whether there was an investigation and who told the President the results?

MR. ZIEGLER. The fact of the matter is—and I will be very brief here, and we are going to conclude—and that is that the President of the United States asked members of his staff—we have referred to senior members of his staff—to find out whether or not anyone in the White House was involved in the matter.

He received repeated assurances that they received from the counsel's office, that no one in the White House was involved in the Watergate

matter.

And those assurances were not only provided to senior members of the staff, they were provided to my office; members of my staff, stating clearly that no one in the White House was involved, and that is precisely the information that the President received from a number of individuals.

Q. For example? Will you name them? I mean, did Dean actually talk to the President and tell him no one was involved?

MR. ZIEGLER. Well, we have already stated that the information that came from the counsel's office did not go directly to the President, but was passed to him by senior members of the staff.

Q. Who, for example?

MR. ZIEGLER. Members of the staff who he met with. I think you are well of.

NEW YORK TIMES

25 May 1973

Excerpts From Transcript of Testimony Before Senate's Committee on Watergate

Special to The New York Times

WASHINGTON, May 24—Following are excerpts from a transcript of testimony today in the fifth day of hearings on the Watergate case by the Senate Select Committee on Presidential Campaign activities:

MORNING SESSION

Gerald Alch

MR. DASH. Could you again tell us, you indicated what fee you received from Mr. McCord? What was that fee?

MR. ALCH. \$25,000 plus expenses, which expenses have not been received yet.

Q. Could you tell us in what form you received that money? A. Periodic payments in cash, with the exception of the last two installments, which were in the form of cashier's checks in relatively smaller amounts of \$1,700. The bulk of the money received was in cash in \$100 bills.

Q. Did you have any knowledge or information or belief as to where the money was coming from? A. No, sir.

Q. Now as to Mr. McCord's first complaint that you suggested he use C.I.A. involvement as a defense, it is true, is it not, that the question, at least of C.I.A. involvement, was the subject of discussion between you and Mr. McCord on two occasions in December, one at the Monocle Restaurant and another time in your office in Boston?

A. I specifically asked him whether or not there was any factual basis to the contention that the C.I.A. was involved.

Q. Did you on either occasion show Mr. McCord a statement from a D.C. Police officer, Gary Bittenbender, indicating that Mr. McCord told Bittenbender that Watergate was a C.I.A. operation?

A. Yes sir. That statement had been provided to me pursuant to my discovery motions filed in the case, by the Government. It was a report in which it quoted a District of Columbia policeman, Mr. Bittenbender, by name, as saying that at the time of Mr. McCord's arrest, I believe at the District of Columbia Jail, Mr. McCord said, referring to the other four men who had been arrested with him, "These are all good men, ex-C.I.A. men." I naturally called that to my client's attention because there loomed a distinct possibility that that statement might be introduced against him at trial. In fact it was not.

Q. All right. Now, Mr. Alch, in the statement that you submitted to the committee, as you read it, that was not included in that statement, is that true? A. It was not, sir. I believe I mentioned it when I met with you the night before my testimony.

Q. Did you ever mention during either of the two meetings at the Monocle Restaurant and in your office in Boston when you asked Mr. McCord about the C.I.A. involvement—did you ever mention during either of these meetings the name Victor Marchetti who might be witness on C.I.A. training?

A. I did mention the name Victor Marchetti, not in the context of his being a witness. It came up this way: In the course of discussing Mr. McCord's background

with the C.I.A., I mentioned to him that I had recently heard that a man by that name had come out with a book about the C.I.A. I mentioned that to Mr. McCord. He said to me words to the effect that Mr. Marchetti was not in good grace with the C.I.A. He said he did not think highly of the man and that was the extent of the conversation.

Q. Now, after your meeting of December, 1972, at the Monocle Restaurant with Mr. McCord, did you call your partner, Mr. Bailey, and raise the question of the C.I.A. defense?

A. I would constantly keep Mr. Bailey advised of the development of all cases that I was working on.

Mr. Bailey told me that unless Mr. McCord or anyone else could come up with any factual evidence of any C.I.A. involvement, that if Mr. McCord wished to pursue that defense without any such factual evidence, that I was to withdraw from the case and that I was to tell that to Mr. McCord.

When Mr. McCord met with me in Boston at our next meeting, he initiated the conversation by saying to me, there is no C.I.A. involvement and I will have no part of anything that is going to put the blame on the C.I.A. That rendered my withdrawal direction from Mr. Bailey moot.

Q. In your statement on Page 10, you say during the meeting with defendants in December, and prior to your Monocle meeting with Mr. McCord, "the question arose as to whether the C.I.A. was involved." Would you tell us how the question arose, who

raised it? Do you know how that was raised, this question? Who raised it?

A. I am not sure. It may have been Mr. Bittman. I cannot be positive.

Q. Are you aware Mr. McCord sent Mr. John Caulfield a note complaining of a White House effort to blame the C.I.A. for Watergate and threatening "that all the trees in the forest would fall if this effort continued." Were you aware of this? A. I was not.

Q. So it is no fiction, really, that Mr. McCord was deeply concerned over what he believed was a conspiracy to have him implicate the C.I.A. in the Watergate case? A. I have no knowledge to contradict that statement by Mr. McCord.

Q. Actually according to your own statement, when you first raised the C.I.A. involvement with Mr. McCord in the Monocle Restaurant, you said he did not really respond to it, but launched into a complaint about how the White House was treating the C.I.A. I think that was your statement. A. That is correct.

Q. Therefore, Mr. Alch, when you raised the question of C.I.A. involvement with him for the very first time after the meeting with Mr. Bittman and the other lawyers, it is likely, is it not, taking into consideration the entire circumstances of Mr. McCord's concern, that Mr. McCord could have concluded that you had joined in the conspiracy he honestly believed existed to blame the C.I.A. in the Watergate case.

A. In my judgment, that would be giving him the benefit of a doubt to which I do not believe he is entitled,

for this reason: I suppose, hypothetically speaking, that it is possible for a man to misinterpret a question put to him as to whether or not the C.I.A. was involved, on the one hand, and a suggestion that it was, on the other. That is a point of discrepancy, in answer to a hypothetical question—could possibly be the subject of a misinterpretation.

However, on his allegation, that I said to him words to the effect that I could cause his personnel records to be doctored and that the director of the C.I.A. would go along with it, it escapes me how that type of allegation can be a misunderstanding. I did not say it.

Q. It is true, though, is it not, that you did go to the office of Mr. Bittman, Mr. Hunt's lawyer, with Mr. McCord on Jan. 8, the first day of the trial? A. Yes, sir.

Q. And after that meeting, or at the conclusion of it, I understand from your statement that Mr. Bittman told you to tell Mr. McCord that he would receive a telephone call from a friend that night? A. That is correct.

Q. Did you ask Mr. Bittman who would call your client or what the message would be? A. I did not.

Q. Why not? A. I felt it was of no importance to me; I surmised in my mind that this call was in connection with Mr. McCord's fears that his co-defendants were plotting against him. If I had to guess that who I thought was going to call, I thought it may have come from Mr. Bittman's client, Mr. Hunt.

Q. Now, this committee has already received evidence, actually just prior to your testimony, that a call, in fact, was made and was received by Mr. McCord, and that it originated from Mr. Dean in the White House to Mr. John Caulfield, to Tony Ulasevic, and set the stage for a meeting on the George Washington Parkway between Caulfield and McCord in which Caulfield extended an offer of executive clemency to McCord "from the highest levels of the White House." That testimony has come before the committee. A. Yes, sir.

Q. Did you know of that call or that meeting? A. I did not.

Q. Then, therefore, since it was you, Mr. McCord's lawyer, who transmitted to Mr. McCord his first notice of a telephone call he was to receive on the night of Jan. 8, and that Mr. McCord knew you were conveying a message from Mr. Bittman, and it was that call which ultimately resulted in a meeting where an offer of executive clemency was made to your client, presented as coming from the highest levels of the White House—really, was it so unreasonable for Mr. McCord to conclude that you were involved in setting him up for such an offer of executive clemency?

A. If he made that conclusion it was factually false. But let us suppose he did make that conclusion. This was in a period of time, as the trial was just about to commence, where I enjoyed with him what I considered to be a very fine relationship. Why should he not have come up to me and asked me about it or told me something to the effect that, pursuant to your message to me, I got a call last night. That never happened.

Q. Well, at that time perhaps he had begun to distrust you, Mr. Alch, that he needed you as counsel for his trial but after that call perhaps he had lost confidence in you.

A. In response to that, Mr. Dash, from what I know of Mr. McCord, it would seem to me rather or highly unlikely that he would go to trial with a lawyer whom he did not trust.

When Mr. McCord told me that he had received a call from a man named Caldwell, and specifically refused to tell me who he was or what the nature of the conversation was, what I did was to see whether or not there would develop any tampering or modification or interference with my advice to Mr. McCord as his counsel.

Mr. McCord was free to see whomever he pleased but, at no time did indications come to me that either Mr. McCord of his own doing, or potentially as a result of being talked to by others, was either disregarding my advice, modifying my advice or introducing a new approach to the trial. That never happened.

Q. Now, Mr. Caulfield, in his testimony before this committee, stated that at one of the meetings that he had with Mr. Dean during the time he was making offers of executive clemency to Mr. McCord, that Mr. Dean told him, Mr. Caulfield, that Mr. McCord was "not cooperating with his attorney." Could Mr. Dean have referred to or been referring to anyone other than you?

A. Well, the fact is that I was Mr. McCord's attorney; at that time, to my knowledge, and the only reason I add that caveat is this: I was informed that, when—I was not informed—when I read a transcript of, I believe, Mr. Caulfield's testimony, I believe he said that in one of his meetings with Mr. McCord prior to the completion of trial, that the subject of bail came up, and Mr. Caulfield stated, "Maybe your lawyer Alch can handle it," or words to that effect, to which, according to Mr. Caulfield, Mr. McCord replied, "Well, I am negotiating with another lawyer. Maybe he can handle it."

If that statement about "I am not cooperating with your attorney" or "get close to your attorney" was directed because, as I have explained to the committee yesterday,

Mr. McCord was cooperating with me every day.

Q. And you have no other explanation of why Mr. Dean might have made that statement? A. I do not. As I told the committee yesterday, I had never met the man nor spoken to him in my life.

MR. THOMPSON. Did [McCord] indicate whether or not he placed the calls to [the Chilean and Israeli embassies] specifically for that [dismissal] purpose? A. He did.

Q. I believe you stated he also furnished you materials concerning the Mafia and the D.N.C., Israel and the Mafia, Jack Anderson and Government contracts, these matters. Did he indicate that these could possibly be used as a defense for him or could help his defense in any way?

Offensive Steps Urged

A. When he gave me that material, he said, let us get on the offensive, let us make the Democrats, put the Democrats on the defense. He said, let us stir up something.

Q. When Bittman said that he would receive a call from a friend, didn't you ask who that friend was? A. I did not.

Q. Didn't it concern you as a criminal defense lawyer when anybody else is making a contact with you lawyer, whether it is another lawyer, a third party, another defendant, isn't that something that concerns a defense lawyer in the trial of a case? A. Mr. Thompson, as I say, in the context of that remark, my assumption was that it could very well have been a call from Mr. Hunt or some of the other co-defendants. I don't know.

SENATOR ERVIN. Yes. Now, there was a meeting of most of these lawyers and it had been pointed out in the press that Mr. Sturgis had apparently CIA connections issued in the name of Mr. Martin, I believe. A. Yes, sir.

Q. It was also apparent that it came out in the press that other members of those of the group who broke into the Watergate had false credentials? A. That is correct, sir.

Q. And the press had suggested since McCord had been involved in the Watergate—I mean in the C.I.A.—and Hunt had worked for the C.I.A.—and Barker had been in the Bay of Pigs operations, C.I.A. and possibly others, that perhaps there was a C.I.A. involvement. Was that not speculated in the press? A. In the press, yes, sir.

Q. And at this meeting, of course, the first thing a lawyer tried to find out from his client is what kind of defense, if any, he has got, is that not true? A. Of course.

Q. So the lawyers would be discussing at that time whether or not McCord had, and it was suggested by one of the other counsel that perhaps they could have—

get evidence that would sustain a defense that would lay this break-in on the C.I.A., was it not, at the meeting with lawyers?

A. Yes, sir. But, Senator, I do not mean to split hairs but I do wish again to point out that it did not come out in the sense that "let us make this a C.I.A. defense." It did not come out that way. It was not presented that way. The way it was presented was, could this be a C.I.A. defense because of all of these things? Let us go back and as our client. That is the way it happened.

Q. Well, the only way the lawyers can find out whether their clients have a defense is to discuss matters like this. A. Ask them.

Q. And try to investigate it. A. Of course.

Q. And it was suggested in this meeting of lawyers by some attorney other than yourself? A. Yes, sir.

Q. That the lawyers involved should try to ascertain from their clients whether the C.I.A. was involved, whether they had any knowledge enough to implicate C.I.A., was it not? A. That is right.

Q. And immediately after that you went in and talked to Mr. McCord about it, did you not? A. Yes, sir.

Q. Did Mr. McCord ever mention the President to you, at any time in any conversation he ever had with you? A. No, sir. No, sir.

Q. And Mr. McCord was not present, so far as you know, and did not overhear any of the phone conversations between you and Mr. Fensterwald on that point? A. Not to my knowledge, but my record—

Q. So far as it appears down to this day, there is no evidence that Mr. McCord ever mentioned the President of the United States except he said that Mr. Caulfield mentioned the President of the United States in a conversation with him.

Now, Mr. McCord says, someone, I believe he said you, suggested that if they changed the record at the C.I.A. to show he had been called back to duty, there might be a chance to have a defense of that kind. You say you never said that?

A. Mr. McCord said such strong words than that, Senator. He said I told him that I would effectuate the forgery of his C.I.A. records with the cooperation of the C.I.A. director. That is pretty strong talk.

Q. I do not believe that is the testimony Mr. McCord gave this committee. My recollection, and I do not guarantee—but my recollection is that he said you, or somebody, said that by letting the record of the C.I.A. show—wait a minute now, here is McCord's statement. He said "if so," that is you, "my personnel records at C.I.A. could be used to reflect such a recall." He stated Schlesinger, the new director of C.I.A.,

whose new appointment had just been announced, could be subpena'd and would go along with it.

Compliment Is Rejected

Q. He did not accuse you of anything except saying that the records, that you advocate that. You were just expressing a surmise? A. Well, Senator, perhaps through a lawyer's, and an experienced lawyer's eyes, looking at it really close, dissecting it, that conclusion might be proper. But not to the average person who reads it on the street.

Q. And I would not criticize you a bit if you recommended a plea of guilty because you had a client who was caught red-handed at the burglary and the defense was on very precarious grounds at best, and so if he did say that you urged him to plead guilty, I think it would be a compliment to your intelligence as a lawyer rather than a reflection on it.

A. With all due respect I reject the compliment, for this reason, Senator: First of all, because he specifically said to you I never suggested that he enter a plea of guilty. The reason when this proposition was put to me, or this offer was put to me by the Government—I practice this way. I do not—that is too important a decision for me to make, I simply take it back to the client and say, here it is. What do you say? He said, no.

Q. Let us go to executive clemency. You did attend a meeting with Mr. Bittman? A. Yes, sir.

Q. Now, Mr. Bittman was representing Hunt? A. Yes, sir.

Q. Hunt—you knew that Hunt had been a consultant in the White House or the Executive Office? A. I honestly was not sure of what Mr. Hunt's position was.

Q. You knew he had been working for the Committee to Re-elect the President, didn't you? A. That I did.

Q. And you do not know what contacts were—had been—Mr. Hunt and any of his former associates in the Committee to Re-elect the President or between his counsel and any of those people? A. No sir.

Q. You participated in the trial and heard the evidence. A. Yes, sir.

Q. And you know that it was proved on trial, as shown on the trial, or at least evidence tended to show that the notebook of Mr. Hunt, which was introduced into evidence, had the White House phone number on it, didn't you? A. If it was I certainly don't recall.

Q. You don't recall it? A. Because Mr. Hunt's local counsel—I don't recall.

Q. You discussed the question of executive privilege with Mr. McCord, didn't you? A. I didn't discuss the question, I relayed to him the conversation I had with Mr. Bittman.

Q. Yes, and you relayed the conversation in which Bittman had said, in effect, that you can never tell, Christmas time rolls around and there could be executive clemency. A. I did with a singular addition of my own.

Q. Yes, and you said it was absurd to expect executive clemency, the President wouldn't touch it with a 10-foot pole or something like that. A. That is what I said.

Q. And McCord agreed with you? A. He did.

Q. Now, you on one occasion you told Mr. McCord that Mr. Bittman—rather Mr. Bittman told you in one of these meetings of the lawyers, that Mr. McCord was going to receive a message, a telephone call. A. Yes, sir.

McCord's Apprehensions

Q. And didn't you ask Mr. Bittman what business other people had—you had been talking about the case, hadn't you? A. At that particular point we had been talking about my client's apprehension that his co-defendants were conspiring against him.

Q. Anyway, he told you your client—somebody else was going to communicate by telephone with your client? A. Yes, sir.

Q. And it was a short time after that, according to the evidence, your client did receive a telephone call and had three conferences with Mr. Caulfield. A. Not to my knowledge.

Q. Don't you think it is reasonable now, he got a call, and you told him in advance that he is going to get the call, and then you receive a call and had some negotiations or conversations at least about executive privilege—don't you think Mr. McCord is liable, because in his mind he associated those conversations he had pursuant to this telephone call with you—can't you see where he would reasonably draw a deduction that the telephone call which resulted in this indicated that you knew something about executive clemency?

A. No, for this reason. I again reiterate how close we were in our contact and I what we would tell each other. If he thought, and he was now labeled this as improper conduct on my part—the question I keep asking myself is, in that, if he did make the surmise and conclude that I was engaged in improper conduct—this was before the trial began, or was it before the trial began or whenever it happened—why wouldn't the man come up to me and confront me with it? That is what I don't understand.

Q. Well, you go and tell him that he is going to receive a phone call. A. Yes, sir.

Q. And he does receive a phone call. A. Yes, sir.

Q. And as a result of receiving a phone call he has an offer of executive clemency made to him. A. Yes, sir.

Q. And you say that it wasn't reasonable for him to

infer from those facts that you knew about the offer of executive clemency? A. I say it was not reasonable for him to infer or assume and later allege that that was in any way the basis of improper conduct on my part.

Q. Well, I don't infer it was, Mr. Alch. A. What, sir?

Plans to Write Book

Q. I used to be a trial lawyer. I was always interested when I had a client, especially one who had no defense—I was always glad of the prospect of getting any kind of clemency. I do not see that it reflects on you. It might be a glory to your competence as a lawyer or to your judgment as a counsel to try to do so. It is no reflection on you. It is to your credit.

Just one question about the book. The Scriptures say, much study is a weariness to the flesh and of making books there is no end. It seems that everybody who gets into jail today wants to write a book about it.

Notwithstanding the fact that he was paying your fee, you did not suspect he might be in pecuniary circumstances?

A. That is a possibility.

Q. I might say if Mr. McCord wanted to write a book about Watergate, he could make A. Conan Doyle turn green with envy.

SENATOR BAKER. There is a conflict between your testimony and that of Mr. McCord. Do you have any suggestions as to how this committee can reconcile that apparently irreconcilable difference in proof and give us some indication of where the truth lies? A. Two.

Q. Tell us.

A. One, speak to the third party who was there, Mr. Bernard Shankman.

I suggest that Both Mr. McCord and I, if he is willing, submit to a polygraph test conducted by a competent examiner, accredited by the American Polygraph Association. I state my willingness to do.

Q. Moving then to another subject, it would appear to me a material conflict between your testimony and the statements of Mr. Fensterwald, given publicly after our hearings on yesterday, may produce for this committee a similar dilemma. Would you now tell us what method you could suggest to bring the testimony of other witnesses to bear or other circumstantial evidence or any evidence, to try to find who is telling the truth in that respect?

A. Polygraph.

Q. Did the U. S. Attorney's office, did the Justice Department or anyone else contact you to try to induce or even to discuss the matter of your client pleading guilty? A. Yes, sir. As reflected in my statement, there were two times.

Q. Were there any suggestions of executive clemency? A. No, sir. The only other, and I do not want to charac-

terize it as an offer—it was not an offer. But as a result of a meeting in chambers with Chief Judge Sirica during the trial. I came out and advised my client that it was not too late to go before the grand jury.

Q. Mr. Alch, you have previously stated that the way you practice law, the decision whether to plead innocent or guilty is too important for you to decide; it must be left to your client. I admire your rectitude in that respect, but I doubt your judgment. And I really wonder—and I put this to you in a very blunt and in a very, very cruel way—I really wonder if there is not a balancing judgment to be made in the minds of the expert retained as counsel to advise him on the trial of his rights, on the one hand the likelihood of prosecution and conviction, and on the other hand, advantages of pleading guilty on one or four counts of the indictment.

A. Senator, I was not moot on that point at all. My discussion—in my discussions with Mr. McCord, as we were talking about the defense which we ultimately used, I pointed out to him that, No. 1, it was the only possible legally recognizable defense I could think of; and also told him that in my opinion, the chances of success were less than 50-50.

Q. All right. At that point, what was Mr. McCord's reply? A. I want to go to trial on that defense.

A. Now, you are a lawyer, you are a member of the bar of the District of Columbia? A. No, sir.

Q. Of the state of Massachusetts? A. Yes, sir.

Q. Do you understand your obligations as an officer of the court? A. Of course.

Q. Did you have the impression that your client was trying to manufacture and contrive a method by which the Government would be required to dismiss this case, notwithstanding his guilt or innocence? A. No, sir. I did not take this to be a frivolous attempt or action on his part. When he told me that these calls were relative to the case, at my client's instruction, I presented the motion.

Q. I have here a letter styled "Dear Gerald." The letter is signed "Jim" in pen.

"This case of Russo and Ellsberg v. Byrne was filed about an hour before I picked it up at the Supreme Court today. It appeared directly on target for us so made a copy."

"Petitioners are making a pitch of course for Government dismissal of the case, rather than disclose the Chilean Embassy foreign wiretap, in which Boudin's conversations were recorded."

"Petitioner's reasons for granting the writ are directly relevant to our situation in that they are arguing that:

"1. On constitutional grounds, the determination of the relevance of wiretapped conversations be made in ad-

versary proceedings, rather than in camera.

"2. The refusal of the lower court to compel discovery and to conduct an adversary hearing is in conflict with the provisions of the two wiretapping statutes—the Omnibus Crime Control and Safe Streets Act of 1968 and the Org. Crime Control Act of 1970.

"3. Wiretaps for foreign intelligence purposes—and their constitutionality without a court order—are at issue and their legality needs to be determined by the Supreme Court in its October session, in order to set this case to rest one way or another.

"Though Justice Douglas is in the minority, his comments set forth in the appendix are a pretty fair summary of the thinking of the Court as expressed in its two recent decisions (June 19 and June 26 of this year) on the wiretapping issue.

"In any case, I would bet my last dollar that the Supreme Court will rule that A) the determination of the relevance of wiretapped conversations be made in adversary proceedings, rather than in camera, and the identity of the person or organization on whose phone the tap was made be made known to the defense and B) the refusal of the lower court in the Ellsberg case to compel discovery and to conduct an adversary hearing is in conflict with the two wiretapping statutes cited above.

"In my own case there are three possibilities relevant to the above:

"1. In the spring of this year, telephone calls were made from my office phone from a young Chilean employee of mine, to the Chilean military attache's residence in D.C.; and calls were received from Chile (from members of his family), to him at my office phone at night. As an employee of mine, he would appear to stand in somewhat the same situation as the petitioner's consultants in the Ellsberg case (page 3 jurisdiction), if those calls were tapped on national security grounds by the Government.

"2. If taps were placed on my home and/or office phones by the Government on the authority of the Attorney General, without court order, during the first week after my arrest on June 17, they would be illegal according to the Supreme Court decision of June 26 in the case of U.S. v. U.S. District Court of Eastern Michigan. There is a fair chance that there were such taps during that period on my phone because at that time, the stories in the press, and the bond hearings, were full of innuendo that the Watergate operation may have been a Latin-American or anti-Castro operation out of some type, a tap on domestic security grounds on the Attorney General's authorization only (now illegal) would be a fair likelihood.

"3. Any calls by me, subsequent to June 17, to any organization on whom there was a national security wiretap, could, on motion, have to be disclosed to the defense if any of the three arguments set forth in the Ellsberg writ, under reasons for granting the writ, prove successful before the Supreme Court. If not disclosed, then prosecution would have to be dropped.

Held Relative to Case

"The two slip opinions in the Celbard case (June 19) and the U.S. v. U.S. District Court of Eastern Michigan (June 26) were mailed to you about three weeks ago. I'll be copying the rest of the appendix to the Ellsberg writ to cert. tomorrow and mail to you. Hope you find some encouragement in this."

There are two things about that, Mr. Alch, if I may. It is an extraordinarily thorough legal document. Would you admit that?

A. If it came from a layman, yes, sir.

Q. Did you then or do you now think of that as an effort to contrive a defense? A. No, sir. Because I asked him if these calls were relative to the case. He told me that they were.

SENATOR TALMADGE. Mr. Chairman, it is perfectly obvious, of course, to all members of the committee that the testimony of Mr. Alch varies significantly from that of Mr. McCord in any number of instances. I want all witnesses to be put on notice that at an appropriate time, wherever there is any evidence of perjury, I expect to ask the staff of this committee to submit a transcript of that possible perjury to the appropriate prosecuting attorney for action as the situation may arise.

Now, did Mr. McCord ever tell you at any time that he thought he was acting legally in this matter because of the involvement of Mr. Mitchell or Mr. Dean?

A. No, sir.

Q. In a statement that you gave to the members of the staff of our committee on May 22, 1973, in the presence of Mr. Sam Dash, Mr. Thompson, Mr. Silverstein, Mr. Sure, Mr. Hamilton, Mr. Edmiston, I read the following: "As the trial progressed a decision began to loom as to whether McCord would take the stand. I asked him what he could testify to. At that point he said that the Watergate operation had been approved by John Mitchell. I asked him how he knew this and he said Liddy told him."

A. Yes, sir.

Q. How do you explain that discrepancy in your evidence?

A. I respectfully submit it is not a discrepancy. When he told me that, he did not tell me that in any way implying that that justified the operation and made it legal. He never told me that, because Mr. Mitchell was involved,

that it was legal. He merely told me that that is what Liddy told him. At no time when he told me that was it in the context of his saying to me "and, therefore, I think it is legal."

Q. As a good lawyer did you not pursue that question at that time, as to whether or not Mr. Mitchell was involved? And if it had been approved by him it would have been legal, would it not?

A. Because—I do not know. Because from the very beginning I had specifically asked Mr. McCord in discussing the defense we ultimately arrived upon, whether or not he had acknowledged the facts that he knew he was breaking the law when he did. He said he did understand he was breaking the law.

Q. Now, does the Attorney General have authority to authorize wiretaps? A. I believe he does through appropriate court order.

Q. Does he have to have a court order? A. I believe he does.

Q. I do not believe it required one at that time. I think if the Attorney General had authorized the wiretap and had directed Mr. McCord to carry it out, I think it actually would have been legal. I think the authority for authorizing the wiretap also carries with it the authority of breaking and entering. You did not further investigate that point that Mr. McCord suggested to you at that time, did you?

A. No, sir, because, as I say, when he did give me that information, it was not, in the context of his saying what I did was legal.

AFTERNOON SESSION

Bernard L. Barker

MR. HAMILTON. Mr. Barker, who recruited you for these activities?

MR. BARKER. E. Howard Hunt.

Q. And was Mr. Hunt your supervisor in the Watergate operations? A. That is correct.

Q. And had Mr. Hunt also been your commanding officer in the Bay of Pigs operation? A. I was Mr. Hunt's principal assistant in the Bay of Pigs operation.

Q. Mr. Barker, what was your motivation for participating in these operations.

A. The original operation was the Ellsberg operation. It was explained to me that this was a matter of national security. At no time was I told any different from the original motivation for which I had been recruited.

Q. Mr. Barker, is it correct that part of your motivation for participating in these operations was to gain later assistance from Mr. Hunt and others in high places for a Cuban liberation operation? Is that correct? A. Our team, which was composed of Mr. Martinez, Mr. Sturgis and

Mr. Gonzalez—to us, this was our prime motivation.

Q. What sort of documents were you primarily looking for in the Democratic headquarters? A. I was looking for documents that would involve contributions to a national and foreign agent—The Democratic campaign, especially to Senator McGovern, and possibly also to Senator Kennedy.

Q. From any particular foreign government? A. The Foreign government that existed on the island of Cuba.

Q. Were any documents of this particular type found during the first entry into the Watergate? A. No, sir.

Q. Mr. Barker, were any offers of executive clemency transmitted to you or threats communicated to you in order to induce you to remain silent? A. No.

Q. Would you tell this committee why you chose to plead guilty? A. I was guilty. I was caught inside the national Democratic headquarters at 2:30 in the morning.

National Security Matter

MR. THOMPSON. Was it your opinion at that time that it was a C.I.A. operation? A. The only opinion that I can intelligently make is that it was a result of the operation in which I was involved. It was explained at that particular time and place that national security was above F.B.I. and C.I.A.

However, there was a doubt in my mind at that time to the effect of what did it mean, what did national security mean as above F.B.I. or C.I.A.? and that question has still not been solved in my mind.

Q. Let me ask you this: Do you recall a trip you took in a taxi to Mr. Bittman's office after a day of trial with Mr. McCord and Mr. Alch and Mr. Shankman? What is your recollection of that? A. I went there to meet Mr. Rothblatt. And to the best of my recollection, nothing was discussed, nothing was told to me about the meetings that the attorneys had that I can remember at this time.

Q. Mr. McCord testified Tuesday morning to this effect in response to the following questions from Senator Talmadge: "Did Mr. Barker or other Cuban-Americans come to you during the trial, and tell you they had been offered executive clemency by Mr. Hunt?" Mr. McCord says, "Yes, sir." Is that true? A. I do not know whether he was saying the truth or not, but I was never offered clemency by anyone.

Q. Mr. Hunt told you [the evidence was overwhelming]? A. Mr. Hunt told me that he had been advised by his attorney that the evidence against us was overwhelming. Mr. Hunt had not been caught inside of the Watergate, I had. I considered him a very intelligent—capable man, and if Mr. Hunt at the time was going to plead guilty,

and I was caught inside, I think it would be ridiculous and it has been proven for me to plead anything but guilty.

His Own Decision

SENATOR EVIN. If Mr. E. Howard Hunt had pressured you into pleading guilty, you could not tell us that under your code of ethics? A. I do not think that this applies to anything like that for this nature. It was my decision.

Q. He told you that he was going to plead guilty and the evidence against you was overwhelming? A. That is true.

Q. And then you decided to plead guilty? A. Yes, but this is not pressure. This is my decision, not his decision.

SENATOR BAKER. You have a real estate business in Miami. You were previously involved in the Bay of Pigs operations for the C.I.A. You are a veteran of the U. S. Army in World War II where you were a captain in the Arm Air Corps. You were a German prisoner of war for 17 months.

Mr. Baker, what on earth would motivate you at your station in life, at your age and with that background, to do something that surely you knew to be illegal?

A. Senator, E. Howard Hunt under the name of Eduardo, represents to the Cuban people their liberation. I cannot deny my services in the way that it was proposed to me on a matter of national security,

knowing that with my trainin I had personnel available for this type of operation. I could not deny this request at the time.

Q. Why were you concerned with infiltration of a group which was demonstrati either against the war or in presence of the last rites for J. Edgar Hoover? Why did you do that? A. I was following Mr. Hunt's instructions.

Q. What was your motivation? What persuaded you to enter the Watergate complex? A. Our mission at those times were only to obtain and to try to locate documents that would prove that the Democratic party and Senator McGovern were receiving contributions nationally and—national and foreign contributions from organizations that were leftist organizations and inclined to violence in the United States, and also from the Castro government.

Q. Did you ever find any such documentation? A. No, we did not find these documents. No, sir.

Senator Talmadge. How did you get involved in the Bay of Pigs operation? A. The same way I got involved in the Ellsberg one. I considered it my duty to help my country.

Q. Mr. Hunt recruited you? A. That is in Cuba. No. In Cuba.

Q. Who? A. At the American Embassy.

Q. Who did you think your backers were? A. Sir, I was not there to think. I was there to follow orders, not to

think.

Q. Didn't you wonder who was giving you the orders? A. No. I had absolute confidence in, as I do now, the people I was dealing with, sir.

Q. Who did you think you were working for? A. I was working for Mr. Hunt and those things that Mr. Hunt represents.

Q. What did he represent? A. Eduardo represents the liberation of Cuba, the anti-Communist symbol. It represents the Government of the United States in one form, in its covert form.

Q. How did you think you could liberate Cuba by participating in a burglary in Washington, D.C.?

A. If we helped Mr. Hunt and this Government in matters which I will further add I believe in, it would establish a situation in which, besides the right that the Cuban people have to be free and independent, it would establish us as having aided this Government in this mission. I view that in the same way where hundreds of Cubans have been helping in Africa, in Vietnam, and in other areas of the world, where the people in my particular association are extremely grateful to those sectors of this country who favor our liberation. Mr. Hunt represented this to the greatest degree.

SENATOR CUNEY. About the [Ellsberg] mission, be as brief as possible because I want to get to the Watergate. A. Mr. Hunt gave me the address of the place where

we were to make the entry. Then the general plan was given to us. We proceeded to the area, and eventually made the entry. I personally searched for those documents.

Search Is Described

Q. What documents? A. A file of Daniel Ellsberg at his psychiatrists office. This file was not there. I would searched file from file cabinet. I searched his desk and the file cabinet. The men also helped me in the search. The only thing that I found in connection with him was an address book which had his name. This we photographed, and we also photographed the file cabinet to prove that we—we had forced them open, and then we left.

SENATOR NOUYE. You are a wise man. You know that if Mr. Hunt did in fact tell you to keep silent, he would be guilty of the crime of obstructing justice? A. Pardon me if I smile, Senator. If I was a wise man, I would not probably be sitting right here.

SENATOR WICKER. Now, Mr. Barker, it is 1973. Do you still feel that national security is a proper justification for Watergate? A. I feel it was a proper justification for Ellsberg and, although not in the same degree, I feel it was a justification for Watergate. But, quite frankly, I am just a human being. I get confused about all these things. Sometimes I do not know the answers to these questions. I do not pretend to have all the answers, sir.

NEW YORK TIMES
30 May 1973

Cushman Says Hunt 'Violated Trust'

Special to The New York Times

LOS ANGELES, May 29 —

Gen. Robert E. Cushman Jr., former deputy director of Central Intelligence, told a Los Angeles grand jury today that E. Howard Hunt Jr. had "violated" his "trust" by involving the C.I.A. in the burglary of the office of Dr. Daniel Ellsberg's psychiatrist.

General Cushman, now commandant of the Marine Corps, was the opening witness before the grand jury, which is investigating the break-in of Dr. Lewis Fielding's office on Sept. 3, 1971. Hunt has admitted having a role in the burglary while acting as a White House consultant.

At a news conference after his testimony today, General Cushman said John D. Ehrlichman, then President Nixon's chief domestic adviser, had called him in July, 1971, and asked him to aid Hunt.

Hunt, General Cushman said, a C.I.A. employe for 20 years, told him that he had a "very

sensitive interview" to conduct, and needed such things as false identification papers and a wig. General Cushman said he had agreed to the requests, but subsequently became suspicious when Hunt began asking for further help including an office and a secretary.

General Cushman said he had then called Mr. Ehrlichman and told him that the agency could no longer aid Hunt, and that he considered the former agent to have "questionable" judgment. Several days later the break-in occurred at Dr. Ellsberg's psychiatrist's in Beverly Hills.

Asked how he felt after learning about the burglary, General Cushman said, "I certainly think I was put upon" by Hunt. Asked if he felt the same way about Mr. Ehrlichman, the general declined to comment, saying he did not know how much Mr. Ehrlichman knew about Hunt's activities.

When reporters asked Gen-

eral Cushman's reaction to the fact that Hunt had continued to work for the White House after Mr. Ehrlichman had been told that Hunt had questionable judgment, the general said: "I wish they had taken my advice."

In June, 1972, Hunt was involved in the Watergate break-in, for which he was subsequently convicted.

The grand jury investigation here will focus on Mr. Ehrlichman and his former deputy, Egil Krogh Jr. Mr. Ehrlichman had over-all supervision of a group called the "plumbers," including Hunt, who were charged with plugging security leaks. Mr. Krogh was in direct command of the group and has reportedly approved the break-in of the office of Dr. Ellsberg's psychiatrist.

The New York Times reported on Sunday that Federal investigators in Washington consid-

ered the break-in here, and subsequent attempts to cover it up, as central to their case against Mr. Ehrlichman and H. R. Haldeman, President Nixon's former chief of staff.

Aides to District Attorney Joseph P. Busch of Los Angeles County do not believe that the two investigations will conflict. One source said today that the Federal inquiry would probably focus on such crimes as obstruction of justice, while the local investigation would confine itself to the break-in, and those who might have planned it.

General Cushman testified today because he will be unavailable when the grand jury hears the rest of the case beginning on June 5. Hunt and his accomplices in the burglary have been granted immunity to testify here. Mr. Ehrlichman, Mr. Krogh, and a former White House counsel, Charles Colson, are other prospective witnesses.

WASHINGTON POST

26 May 1973

'Dirty Tricks' Have Had a Long History

By Marilyn Berger

Washington Post Staff Writer

The techniques of Watergate—burglary, electronic surveillance, laundered money, "plausible denial"—have had a long history in the intelligence craft.

They are the so-called "dirty tricks" that for years have been the province of the Central Intelligence Agency and its foreign counterparts, tricks refined through nearly 30 years of a "cold war." In the United States, a mysterious group known as the Forty Committee has the last word, or sometimes the next-to-last word, about giving the green light to any specific operations.

Its role is clearly defined: to consider and approve covert activities in foreign countries in a manner that would be "disavowable" or "deniable" by the United States—or at least by the President of the United States.

Currently its designated members are Henry A. Kissinger, the President's national security adviser who serves as chairman; Deputy Secretary of Defense William P. Clements Jr.; Under Secretary of State for Political Affairs William J. Porter; acting Director of the Central Intelligence Agency William E. Colby, and the chairman of the Joint Chiefs of Staff, Adm. Thomas H. Moorer. The head of the joint chiefs is an addition made during the Nixon administration. The Attorney General was also added while John N. Mitchell held the job.

In the years of its existence under five Presidents, the committee, which has been known by a variety of names, dealt with such activities as the 1954 overthrow of Guatemalan President Jacobo Arbenz Guzman, the 1953 coup in Iran that overthrew Premier Mossadegh, the Bay of Pigs invasion of Cuba in 1961, the "laundered" funding of friendly political parties in Europe

and Latin America, the U-2 reconnaissance flights over China and the Soviet Union, and the mounting armies of Meo tribesmen and Thai "volunteers" in Laos.

"The committee was the President's surrogate," said one official familiar with national security operations. "The whole idea was to allow the President 'plausible denial' . . . It protected the President." The President never signed any papers so there was never any evidence on the record that he either had knowledge of or approved any of the covert operations undertaken, informed sources said.

Witnesses from the various government agencies were often brought before the handful of top officials to explain particular operations. Said one experienced official: "They were like a bunch of schoolboys. They would listen and their eyes would bug out. I always used to say that I could get

\$5 million out of the Forty Committee for a covert operation faster than I could get money for a typewriter out of the ordinary bureaucracy."

Another said that the committee was the most efficient in town. There were no "horse holders," no "Colonels turning charts." Decisions came quickly, he said.

The core group had from the beginning been four officials who dealt exclusively with foreign affairs and who were just under the top—the national security adviser, the deputy secretary of defense, the under secretary for political affairs in the State Department and the director of Central Intelligence. The head of the joint chiefs was specifically excluded, according to one informed source, because political rather than military considerations were the subject of the committee's deliberations.

The Attorney General was specifically excluded because his concerns were supposed to be exclusively domestic. During the Kennedy administration Robert F. Kennedy is said by a number of sources to have sought membership but was refused.

For this reason the Mitchell appointment to this and other highly secret committees, such as the verification panel for arms control, raised serious concerns in the intelligence community about the "mixing up" of domestic and foreign matters.

Mitchell, in the view of those familiar with the operation, was there because of his close relationship with the President. As the only Cabinet officer on the committee, he became its ranking member although the national security adviser continued as chairman.

To those who saw the committee in operation, "Mitchell served as the President's eyes and ears." When Richard Kleindienst succeeded Mitchell at the Justice Department, he did not move into the slot created for the Attorney General on the Forty Committee.

In the words of Thomas L. Hughes, former director of intelligence and research at the State Department, "the Mitchell appointment was an early and symbolic act, either of carelessness or purposefulness, which inevitably invited confusion and temptation for a partisan manager currently holding

the office of Attorney General."

Hughes said the committee "was originally, set up, carefully and exclusively as a small and responsible group limited to those people at the highest levels below the President whose official responsibilities were clearly in the foreign affairs area, to consider and propose foreign operations."

In the view of one source familiar with national security operations, clandestine matters—which were supposed to be examined from the long-range foreign policy point of view and from the national security point of view—imperceptibly became a question of whether they would get this administration into trouble. The question became to be whether immediate domestic implications would be too great.

Throughout its history, by whatever designation it had, the Forty Committee was to fulfill one overriding function: to assert political control of covert operations. The committee was to consider the wisdom of any proposed activity, its chances of success, whether it would accomplish the purposes desired and whether it was "moral," "proper" and in the interests of the United States. In the words of one person familiar with its operations: "This was an arm for the furtherance of American foreign relations."

But the existence of the committee itself was a subject of 'plausible denial.' In its first incarnation it was known as the 10/2 or 10/5 Committee, named after the documents creating it. Under President Eisenhower the name changed to the 54/12 Group, again named after the secret order establishing its role — "54" referring to the year of the order. It was also known at that time as the "Special Group." When someone inadvertently acknowledged the existence of the group, it was renamed the 303 Committee.

Thus if someone asked whether there was such a thing as the 54/12 Committee the answer could be, in truth, no. For by that time it was the 303 Committee, now named for the room in which it met.

The most recent christening — the Forty Committee — is derived from a national security decision memorandum redefining its duties, according to Morton H. the National Security Council Staff, and Jeremy J.

Stone of the Federation of American Scientists.

During the Kennedy administration, covert operations were also under the control of a parallel secret committee with far more limited responsibilities. This was the counterinsurgency committee.

Sources familiar with national security operations at the time recall that the President's brother, Robert, then Attorney General, was fascinated by the covert operation being run by the CIA. He fervently wished to get on the 303 Committee, forerunner of the Forty Committee.

This was vetoed, apparently by Gen. Maxwell Taylor, who was brought into the White House after the Bay of Pigs fiasco. As a substitute, Taylor agreed to place Robert Kennedy on the counterinsurgency committee. Once this group started operating, a certain number of cases that might have gone to the Forty Committee (then the 303 Committee) went to the counterinsurgency section.

At least since the Kennedy administration, there has grown an active debate over the propriety of any such covert operations perpetrated by an open society. The arguments in opposition have grown stronger during the current proclaimed era of negotiation and the warming of relations among former Cold War rivals.

In the Truman and early Eisenhower years, when the Forty Committee was known as the 10/2 or 10/5 Committee, meetings were irregular. Then, according to authoritative sources familiar with the operations, President Eisenhower decided that covert operations needed a closer look.

He ordered once-a-week meetings. There was no official chairman but Allen Dulles, then head of the CIA, pretty much controlled the sessions which met in the office of the under secretary of State.

The meetings were said to be rather formal, with an agenda and well prepared staff papers. Few outsiders knew what it was doing, but occasionally witnesses were brought into present specific projects. By most accounts, the committee itself was empowered to consider and approve operations. Only in cases of disagreement was a specific project brought to the President.

But at all times the committee operated under the

President's overall policy determination. Authoritative sources say that it was chiefly when Dean Acheson was Secretary of State that specifics were brought to the Oval Office, because of Acheson's frequent reservations.

"In its pristine days," according to one knowledgeable source, "the theory was that things were thrashed out here so that all departments understood each other." Often the committee's report went to the National Security Council with the President attending, said this source. "It was here that one of the Cabinet members might register the dissent of his agency if such dissent existed."

Fewer Meetings

Because of the secrecy surrounding the very existence of the committee, it is difficult to give an accounting of its more recent functions. From recent Senate testimony it is known that the subject of "participation" in the 1970 Chile

elections was one concern of the Forty Committee. That election brought Salvador Allende, a Marxist, to power in Santiago.

Informed sources say, however, that during the Nixon administration there were fewer and fewer formal meetings of the Forty Committee and more and more "telephonic conferences" — involving quick checks rather than intensive discussions.

One possible reason for the slackening number of meetings could be that the number of covert operations has diminished, but some sources attribute it to a more ad hoc style and a greater than ever dedication to secrecy.

One source said there has not been a formal meeting of the group for more than a year—although it is always possible that some who formerly knew about the committee have been cut out as the White House became more secretive. "There grew up a narrow, incestuous secretive quality among the advisers to the President,"

said one source. "The old formality used to make this impossible."

Domestic implications became an increasingly important consideration, according to one official who noted that the Forty Committee was only one of a number of similar groups with virtually the same membership. For example, this source noted, the issue of arms to Israel might come to the Defense Programs Review Committee where domestic political implications in the United States might weigh in the considerations.

One official who occasionally had appeared before any White House committees, which Mitchell attended spoke of the changed atmosphere during the Nixon administration.

"I never felt comfortable being there when Mitchell was there. I felt his presence caused the members to speak in a very guarded way, not saying what they really thought of foreign political risks for fear they would show themselves not mindful enough of the im-

pact on this administration. He was the administration's presence, not the U.S. government ...

"There was no real intellectual discussion ... This was a travesty of serious governmental operations ... There was inadequate staff work, secretiveness, narrow-based decisions. There was always an intense effort to make the President look good as the main consideration."

By their very nature, covert operations, if successful, become known only after the fact if at all. Sometimes it takes years, sometimes only months—as the domestic covert operations known under the heading of Watergate show.

Thus what, if anything, the Forty Committee or its successor by another name may be considering now is known to only a few men. Of greater interest for the moment is whether there was a domestic equivalent of the Forty Committee, dealing with covert operations in this country, and if there was who was on it.

WASHINGTON POST

25 May 1973

The Man Who Unquestioningly Followed Orders

By Jules Witcover

Washington Post Staff Writer

It's a good thing for convicted conspirator Bernard L. Barker that his leader in the Watergate break-in, former White House aide E. Howard Hunt, never told him to jump off the top of the Washington Monument.

Because the chances are, judging from Barker's testimony yesterday at the Senate's Watergate hearings, that he would have done it — and saluted all the way down.

As a good soldier with loyalties both to the country of his birth, Cuba, and of his parents and his citizenship, the United States, the 56-year-old Barker was then as now ready to do his duty as his old Bay of Pigs commander, Hunt, saw that duty and conveyed it to him.

When Hunt told him his duty was to burglarize the office of Pentagon papers defendant Daniel Ellsberg's psychiatrist because "it involved a traitor to this country who had given information to a foreign embassy ... I proceeded on that assumption at that time," Barker told the senators.

"Senator," he told an incredulous Howard H. Baker Jr. of Tennessee "E. Howard Hunt under the name of Eduardo [his code name in the Bay of Pigs and Ellsberg-Watergate missions] represents to the Cuban people their liberation. I

cannot deny my services in the way that it was proposed to me on a matter of national security."

The same motivation, with Hunt again as the inspirational persuader, led Barker and the three Cuban-Americans he recruited to break into the Democratic National Committee and McGovern campaign headquarters.

"... Our missions at those times were only to obtain and try to locate documents that would prove that the Democratic Party and Senator McGovern were receiving contributions, nationally," he said, and national and foreign contributions from ... leftist organizations, and inclined to violence in the United States, and also from the Castro government."

They never found any such documents, the balding, nervous Barker, who gave his current address as Cell Block 4, District of Columbia jail, acknowledged.

But it was not a mistake making the raid, he said, because "we were assisting Mr. Hunt, who was a known factor in the time of the liberation of Cuba. We had hopes that Mr. Hunt's position in the White House would be a decisive factor at a later date for obtaining help in the liberation of Cuba."

"How did you think you could liberate Cuba," Sen. Herman Talmadge (D-Ga.)

inquired, eyebrow raised, "by a burglary in Washington, D.C.?" For a man 16 years in the Senate, and from an old Southern political family, Talmadge's question revealed a remarkable insensitivity to mutual backscratching.

The way he looked at it, Barker said, the Watergate break-in really wasn't all that different from the Bay of Pigs invasion for an undercover operative such as himself. He expected, and got, the same considerations.

"The monies that were received for the attorneys' [\$17,000 for bail bond, \$18,000 for lawyers' fees], for expenses and the family support was received in the same spirit and under the same conditions that would have been similar in a CIA operation," he said.

"Comparatively, it is based on the following philosophy: if you are caught by the enemy, every effort will be made to retrieve you, all expenses will be taken care of, and your family will be provided for.

This was true of the Bay of Pigs invasion ... and we expected this. We were not surprised ... that this situation would come to pass."

Barker said he didn't

know precisely who his benefactors were. Well, Talmadge asked, who did he think they were? "I was not there to think," Barker replied.

It was only right that Hunt, after a long absence, should have re-entered Barker's life on April 17, 1971, "exactly 10 years after the Bay of Pigs," Barker told the senators he found a note in his door in Miami telling him that "if you are the same Barker I once knew, contact me" at a certain Miami Beach hotel.

It turned out Hunt wanted Barker to attend a Bay of Pigs reunion—"incognito"—with him. They socialized occasionally after that, and Barker patiently and unquestioningly waited for his marching, or rather, his breaking-and-entering orders from his old chief.

"We kept in contact after that without anything special brought up," Barker said. "I quite frankly waited until Mr. Hunt would tell me if there was anything else [but their socializing] ... I expected him in his good time to tell me."

Sure enough, Hunt eventually recruited him for the Ellsberg break-in, asking only "would I be willing to help him in a matter of national security," Barker said. With Barker, Hunt without

doubt knew the magic words.

Actually, Barker told the Senate committee, Hunt didn't tell him it was a file on Ellsberg of Pentagon papers fame until 30 minutes before the burglary in Los Angeles. But that wasn't unusual either, he said, under the modus operandi of the covert world.

"As a matter of discipline, of compartmentalization, and of habit," he explained, "we do not discuss these operations with anyone or even amongst each other. This was a rule between our team and it is the type of training we have received."

For the next operation, the Watergate, Hunt told Barker to get ready for a "double mission," he said, presumably also meaning the McGovern headquarters break-in, which never came off.

It would be inside an office building, Barker said. Hunt told him. "Get your men in training going up and down stairs," his chief advised.

In the actual break-in, Barker said, he didn't favor proceeding once it was discovered that someone had removed the tape the burglary team had placed on a door to facilitate quick escape. But orders were orders, so they went ahead—and got caught.

NEW YORK TIMES
18 May 1973

SOVIET READERS GET WATERGATEROUNDUP

MOSCOW, May 17 (UPI)—Soviet newspaper readers got their first full-scale view today of the Watergate Affair.

The official Soviet press broke a three-month silence with a 500-word article in the current issue of Literaturnaya Gazeta, a weekly published by the Writers Union and directed at the intelligentsia.

The unsigned article, entitled "Watergate Affair: What's Happening?" was carefully worded. It did not indicate that either President Nixon or the White House was involved in the case.

The article recalled the basic facts of the Watergate burglary and subsequent trials, and noted that government officials had resigned as a result of the continuing investigation. It said John N. Mitchell and Maurice H. Stans "turned out to be involved" and it listed some of the recent resignations in Washington, including those of Herbert Klein, H. R. Haldeman, John C. Erlichman and John W. Dean 3d.

NEW YORK TIMES
25 May 1973

AID FOR RADICALS DISPUTED BY C.I.A.

By SEYMOUR M. HERSH

Special to The New York Times

WASHINGTON, May 24—The Central Intelligence Agency, reported in 1969 and 1970 that it could find no substantial evidence to support the Nixon Administration's view that foreign governments were supplying undercover agents and funds to radicals and Black Panther groups in the United States, White House and intelligence sources said today.

The C.I.A.'s findings were rejected, the sources said, by high-level White House aides who arranged in late 1970 for 35 agents from the Federal Bureau of Investigation to open overseas intelligence posts in 20 countries. The bureau's expansion is said to have angered Richard Helms, then the C.I.A. director, and other agency officials.

"We tried to show that the radical movements were home-grown, indigenous responses to perceived grievances and problems that had been growing for years," one official who worked on the agency's analyses recalled. "We said the radicals were clean and that we couldn't find anything. But all it turned out to be was another nail in Helms's coffin."

Mr. Helms was relieved as the agency's director late last year.

The C.I.A. said it would not comment on its 1969 and 1970 reports. One former White House official who worked on security matters in 1970 acknowledged that the agency's reports on student unrest had been available. But he added, "it is never our position that we had hard information" about the foreign link to domestic disturbances.

The intelligence sources said that the first C.I.A. study was submitted to the office of Henry A. Kissinger, the President's national security adviser, more than six months before Mr. Nixon decided to establish a special inter-agency committee to prepare recommendations for expanded domestic intelligence operations.

The New York Times reported today that the committee's report, approved by Mr. Nixon and his top intelligence advisers in July, 1970, called for the F.B.I. to mount a massive counter-insurgency program, involving spying, wiretapping and burglaries, against the Black Panthers, potential Arab saboteurs, radical students, and Soviet espionage agents.

The program was not put into effect, the sources said. Hoover, then director of the bureau, refused to act without

written authorization from Mr. Nixon.

Mr. Nixon, in discussing the proposal during his Watergate statement Tuesday, cited what he said was a wave of domestic bombings, campus disturbances and gun battles in early 1970 and added: "Some of the disruptive activities were receiving foreign support." He cited no evidence.

Fears Over 'Kids' Seen

Elsewhere in his statement, Mr. Nixon characterized the 1970 report as one of "three important national security operations" that had become involved in the Watergate scandal. The two other programs, he said, were the series of telephone wiretaps on newsmen and White House aides instituted in 1969 and the establishment of a special investigation unit in 1971 in connection with the Pentagon papers leak.

One intelligence official said that the White House had a "preoccupation" with the extent of foreign influence on domestic radicals and blacks. "Whenever kids went abroad," the source said, "there were those in the White House who were convinced that they were meeting with Communists and coming back with dope."

The C.I.A. studied three distinct areas in both 1969 and 1970, the source said. It analyzed student patterns throughout Europe, North Africa and Latin America to determine whether there was any connection between activities there and the United States' disturbances. No significant connection was found, he said.

Another main area of study was in the Mideast, where nations—especially Egypt—were analyzed to determine whether the Arab student population in the United States was being drawn into radical activities under the leadership of the Arab bloc.

"For years there had been indications," the source said, "that there were Arab students in the United States who were probably financed by (Mideast) embassy money who were trying to draw support against Israel. To our knowledge there were no serious efforts beyond that. By that I mean there were no illegal activities by those students—no recruiting American spies and no bomb-throwing."

The third main study area concerned possible Algerian support for the Black Panthers, the source said.

"That question was tracked back and forth 16 times over and over again," he noted. "Every intelligence agency said we know it's an interesting hypothesis but, by and large,

the judgment of the intelligence community in 1970 was that there was no significant Algerian support for the domestic operations of blacks."

"History supports that judgment completely," the official declared. He noted that the Algerian Government apparently ousted Eldridge Cleaver, the Black Panther leader, and his followers late last year.

Both C.I.A. reports, which are still classified, the sources said, attempted to put the protest activities of blacks and students into a sociological context, the source said. "We thought that it was absolutely imperative that the causes of what was happening—the Vietnam war and racial injustice—had to be understood."

A White House official who worked on the 1970 domestic intelligence report characterized the agency studies as having "absolutely nothing to do with student activities."

The official said that none of the participants in the 1970 working group—including the C.I.A., which was represented by Mr. Helms—"disagreed in any way with the threat assessment of that report."

One high-level agency source said in response that Mr. Helms's role during the White House discussions of domestic violence was to "calm them down, to keep things in perspective but yet at the same time to go through the motions of cooperation."

"So he made the effort," the source continued, "and two times those reports—each more than 200 pages long—went so far as to put in context the political activities of both the blacks and radical students."

"The response of the White House," he added, "was to move F.B.I. agents into C.I.A. activities."

Other sources said that the agents had been dispatched abroad after a White House meeting of Mr. Nixon, Mr. Kissinger and Mr. Hoover. "Apparently, it was a hush-hush deal," one former White House official said. "My impression was that the President and Mr. Kissinger had lost confidence in the C.I.A. and wanted to have a double-check on what was going on abroad."

The F.B.I. now spends about \$3-million a year to maintain about 40 agents and more than 30 clerks in the overseas offices, one Justice Department source said. The offices are officially described as intelligence liaison units.

"It caused a tremendous furor in the agency," one intelligence official recalled. "Helms was furious."

NEW YORK TIMES
24 May 1973

Ex C.I.A. Head to Get Award

LOS ANGELES, May 23 (UPI)—John A. McCone, Director of Central Intelligence from 1961 to 1965, will be presented with the Brotherhood Award of the National Conference of Christians and Jews at a dinner here June 7, it was announced yesterday.

30 May 1973

EHRlichman SAYS PRESIDENT KNEW OF FUNDS INQUIRY

By DAVID E. ROSENBAUM

Special to The New York Times

WASHINGTON, May 30 —

John D. Ehrlichman told a Senate subcommittee today that President Nixon knew six days after the Watergate break-in that Federal agents were investigating "Mexican aspects" of the case.

Mr. Ehrlichman was Mr. Nixon's chief domestic adviser until he resigned April 30. He was one of the few men in the White House to see the President regularly.

Mr. Ehrlichman was the first of the President's present or former top aides to testify before a Congressional committee on the Watergate affair.

The "Mexican aspects" of which Mr. Ehrlichman spoke involved the transfer of \$89,000 from the President's re-election committee through a bank in Mexico City into the hands of the Watergate burglars.

National Security Cited

Mr. Ehrlichman said that he did not know whether Mr. Nixon knew shortly after the burglary at the Democratic headquarters that the break-in had been financed by money from his re-election campaign.

In a statement to the Senate Appropriations Subcommittee on Intelligence Operations and in comments to newsmen afterward, Mr. Ehrlichman affirmed the President's statement that any interference by the White House in the Watergate investigation was a result of the President's concern about endangering national security.

Mr. Ehrlichman told the Senators that the President had been worried that the investigation of the Watergate break-in might expose covert intelligence operations in Mexico.

A Meeting With Helms

Because of that concern, Mr. Ehrlichman said, the President ordered him and H. R. Haldeman, the White House chief of staff, to meet with the top officials of the Central Intelligence Agency and to have them tell the Federal Bureau of Investigation to call off the investigation in Mexico if C.I.A. operations would be endangered.

In his statement last week, Mr. Nixon acknowledged having ordered Mr. Ehrlichman and Mr. Haldeman "to insure that the investigation of the break-in not expose . . . an unrelated

Hunt Writes That He Urged '61 Assassination of Castro

By Donald Lambro,
United Press International

Watergate conspirator E. Howard Hunt, a former CIA agent who helped plan the 1961 Bay of Pigs invasion of Cuba, says he recommended to his superiors that Fidel Castro be assassinated as part of the takeover plot.

The disclosure was made in a forthcoming book by Hunt in which he tells about his part and that of the Kennedy administration in the invasion by several hundred Cuban exiles who were trained, equipped and directed by the United States to overthrow Castro's Communist regime.

Hunt describes the extent to which the Kennedy administration was committed to the invasion plan—which was born in the final days of the Eisenhower administration—and how air support considered vital to the mission was cancelled at the last minute by President John F. Kennedy.

A copy of the book's galley proofs was obtained by UPI. It is to be published in November by Arlington House of New Rochelle, N.Y.

Hunt charges that President Kennedy tried to "whitewash the New Frontier" after the fiasco by "heaping guilt on the CIA."

Kennedy accepted the responsibility for the invasion at the time but much of the blame for its initiative and execution was placed on the CIA by others.

Hunt believes that the assassination, which he says was "a task for Cuban patriots, would leave Castro's army leaderless and confused." His written proposal was to "assassinate Castro before or coincident with the invasion."

Richard Bissell, chief of the CIA's clandestine services, said that the plan was being considered by "a special group" within the government, Hunt writes.

"So far as I have been able to determine no coherent plan was ever developed within CIA to assassinate Castro, though it was the heart's desire of many exile groups," he says.

Hunt maintains that top military men and White House officials in the Kennedy administration were far more responsible for the invasion plan than they admitted at the time. "Assault planning was almost directly in the hands of the Pentagon," he says in the book, titled "Give Us This Day." He also says he was told in mid-1960 that then-Vice President Richard Nixon was the invasion's

"action officer" within the White House during the last days of the Eisenhower administration.

Hunt also says that Adlai E. Stevenson, then ambassador to the United Nations, and who maintained he had been kept in the dark about the invasion, had been briefed "well prior to invasion date."

Hunt says an examination of U-2 spy plane photos showed the Cuban pilots "had claimed more destruction than actually occurred" during a raid by B-26 bombers and a "cleanup strike" was ordered just as CIA deputy director Charles Cabell entered the room. Cabell, who was acting director while the agency's chief, Allen Dulles, was on a speaking engagement, said only one had been authorized and that he would check to see whether another would be permitted.

Hunt says he was told by Bissell that at a hurriedly called meeting later that day attended by President Kennedy, his Policy Planning Council chairman Walt Rostow, Secretary of State Dean Rusk, Stevenson, and special assistant Arthur Schlesinger among others, Kennedy decided there was to be no second strike.

'covert operation of the C.I.A.'

Mr. Ehrlichman said today that on June 23, 1972, six days after the burglary, he and Mr. Haldeman met with Richard Helms, then director of Central Intelligence, and Lieut. Gen. Vernon Walters, Mr. Helms' deputy, in Mr. Ehrlichman's office.

General Walters was directed to meet with L. Patrick Gray 3d, then acting director of the F.B.I., to tell Mr. Gray of the President's concern, according to Mr. Ehrlichman's statement.

About 10 days later, Mr. Ehrlichman said, General Walters reported that there was no C.I.A. operation in Mexico that would be imperiled by the F.B.I. investigation. But Mr. Ehrlichman said that the President did not believe General Walters.

"The President told me then that he still personally believed and feared that the F.B.I. investigation might harm the agency," Mr. Ehrlichman told the committee. Mr. Ehrlichman continued:

"He said he believed the C.I.A. would be making a mistake if it pretended an investigation would not disclose some of its current operations. He said he hoped the general and

other C.I.A. management were not covering up for their subordinates.

"The President said substantially: A man makes a grave mistake in covering up for subordinates. That was President Truman's error in the [Alger] Hiss case when he instructed the F.B.I. not to cooperate."

Mr. Nixon ordered Mr. Gray to conduct a "full investigation," Mr. Ehrlichman said.

Mr. Ehrlichman met with the subcommittee for nearly three hours this morning, and Senator John L. McClellan, Arkansas Democrat who is the panel's chairman, said that the former Presidential aide would be called back for more questioning. Tomorrow, Mr. Haldeman is to appear before the subcommittee.

Mr. McClellan said that further testimony from Mr. Ehrlichman was necessary because "serious and conflicting allegations have been received regarding attempts to involve the Central Intelligence Agency in the Watergate and Pentagon papers cases."

Mr. McClellan was referring to Mr. Ehrlichman's contention that he did not ask the agency to provide E. Howard Hunt Jr. with paraphernalia that Hunt allegedly used to break into the office of Dr. Daniel Ells-

berg's former psychiatrist in the summer of 1971. Hunt was subsequently one of those who pleaded guilty to the Watergate conspiracy.

Gen. Robert E. Cushman Jr., deputy director of the C.I.A. in 1971 and now commandant of the Marine Corps, submitted an affidavit to a House subcommittee May 11 in which he stated:

"About 7 July 1971 Mr. John Ehrlichman of the White House called me and stated that Howard Hunt was a bona fide employee, a consultant on security matters and that Hunt would come to see me and request assistance which Mr. Ehrlichman requested that I give."

General Cushman swore to a similar statement before Senator McClellan's subcommittee.

But Mr. Ehrlichman said today that he did not have the "faintest recollection" of having made such a telephone call and that it was "extremely improbable" that he had done so.

Mr. Ehrlichman gave the Senate subcommittee memorandums from General Cushman written last January in which the generals said that he did not know who made the call to him.

Mr. Ehrlichman said that he first found out about the burglary of Dr. Ellsberg's psychiatrist, Dr. Lewis Fielding of

Beverly Hills, Calif., "probably a week or more after the occurrence."

But Mr. Ehrlichman said that he did not tell President Nixon about the matter and that the President had learned of it "relatively recently."

The break-in "was at that time oppressed with a very sensitive national security characteristic as far as were concerned and as well as the investigating authorities were concerned and continued to be oppressed with that characteristic until very recently," Mr. Ehrlichman said in response to a question from newsmen.

Mr. Ehrlichman appeared before the Senators in a closed session, but his 19-page open-

ing statement to the committee was released.

The McClellan subcommittee is investigating whether any pressure was exerted on the C.I.A. to cover up the Watergate case.

In addition to Mr. Haldeman, the McClellan panel plans to call Charles W. Colson and Egil Krogh Jr., both former White House assistants.

Other ranking aides, such as John N. Mitchell, former Attorney General, Maurice H. Stans, former Commerce Secretary, and John W. Dean 3d, former Presidential counsel, are expected to testify in the next several weeks before the special Senate committee investigating the entire Watergate case.

WASHINGTON POST
25 May 1973

Gray Told Nixon His Aides Were 'Using' CIA, FBI

By William Greider and William Chapman
Washington Post Staff Writers

Three weeks after the Watergate burglary, acting FBI Director L. Patrick Gray personally warned President Nixon that "people on your staff are trying to mortally wound you by using the CIA and FBI."

The former FBI director's recollection of what he told the President was provided to a closed session yesterday of the Senate subcommittee on intelligence operations but the key language was made public afterwards by Sen. John L. McClellan, the chairman.

"There was a slight pause," Gray told the senators. "The President said, 'Pat, you just continue to conduct your aggressive and thorough investigation.'"

The subcommittee, which is exploring efforts by White House officials to implicate the CIA in Watergate, found at least one important conflict between the testimony of Gray and Lt. Gen. Vernon A. Walters, deputy CIA director, according to McClellan.

Walters has testified previously that, at the behest of President Nixon's top aides, he visited Gray on June 23 and told him that further investigations of how GOP campaign money was routed through Mexico might jeopardize CIA covert operations. Walters said he told Gray that top White House aides had directed him to make the statement.

Gray, however, told McClellan's subcommittee that on that first visit of June 23 Walters did not mention that he was sent by the White House, according to McClellan. That left Gray "confused" over whether there was or was not a CIA connection.

On July 6, Gray met again with Walters and was informed that there was definitely no reason why the Watergate investigation would endanger any CIA operatives. They agreed they should alert the President, according to Gray.

The FBI chief then placed a call to Clark MacGregor, the President's campaign manager, at the Western White House. He recalls telling MacGregor:

"Dick Walters and I are uneasy and concerned because of the confusion and uncertainty in determining whether or not there is CIA interest in people the FBI wish to interview or there is not CIA interest in these people."

"We both feel that if people on the White House staff are careless and indifferent in their use of both the FBI and CIA we have the feeling that this can be injurious to both of our agencies and can be wound up to the President."

"I asked him if he would please inform the President," Gray added. "He said that he would handle it."

A half hour later, Gray said, he received a call back from the President who be-

gan the conversation by congratulating him about his action preventing a recent skyjacking. Then Gray recounted this conversation:

"Mr. President, there is something I want to speak to you about. Dick Walters and I feel that people on your staff are trying to mortally wound you by using the CIA and FBI, and by confusing the question of CIA interest in or not in people the FBI wishes to interview."

"I have just talked to Clark MacGregor and asked him to speak to you about this."

According to McClellan, Gray testified that after the President's reassurances there was no further interference from the White House on the CIA question. That version conforms with the President's own acknowledgment of Gray's early warning, issued Tuesday in Mr. Nixon's lengthy statement on Watergate.

McClellan characterized Gray as suffering through two weeks of "confusion and uncertainty" about how to conduct the Watergate investigation until he talked with the President.

"Mr. Gray kept speaking about being confused," McClellan said. "He said he couldn't tell whether he was supposed to pursue the investigation in those areas where the CIA had an interest or whether the CIA even had an interest."

Meanwhile, another congressional committee was told by CIA officials that convicted Watergate conspirator James W. McCord wrote six letters last year warning the agency someone was trying to involve it in the Watergate affair.

Rep. Luecen Nedzi (D-

Mich.), chairman of a House Armed Forces subcommittee, told reporters he was trying to find out why the existence of the letters was not made known to the agency's director, James R. Schlesinger, until three days ago. The letters were written between July and January.

Nedzi said some of his questions "were responded to with the familiar phrase 'I forgot.' Other answers related to the letters being turned over to someone else and forgotten about. Everyone denies that there was a cover-up."

The witnesses before Nedzi's subcommittee were William Broe, the inspector-general of CIA; Howard Osborn, chief of security, and one of his assistants, Paul Gaynor.

They told the subcommittee, Nedzi said, that the letters were signed only "Jim," but that there was no doubt in their minds they came from McCord. McCord was convicted in the Watergate conspiracy in January.

Another member of the committee, Rep. William G. Bray (R-Ind.), said the letters did not say who McCord believed was trying to link the CIA to the Watergate break-in.

Nedzi said the letters surfaced only two days ago in the course of an "intensive review" of the case under Schlesinger's supervision. "Suddenly a memory was jolted," Nedzi said, and the letters were turned over by someone to Broe.

One of the letters had been addressed to former Director Richard Helms, Nedzi said, and the other five to other agency officials. Helms ultimately read all the letters while he still was in the agency, Nedzi said.

NEW YORK TIMES
24 May 1973

Marchetti, Ex-C.I.A. Aide, Denies McCord Testimony

WASHINGTON, May 23 (UPI) — Victor Marchetti, a former deputy in the Central Intelligence Agency, said yesterday he had never been approached and asked to help blame the C.I.A. for Watergate.

James W. McCord Jr., a convicted Watergate conspirator, testified yesterday that White House aides had approached him with an offer to attribute the bugging to the C.I.A. Mr. Marchetti was to be available, Mr. McCord said, to testify about

how C.I.A. agents were trained to invoke the concept of "plausible deniability."

"Even though I am a critic the agency, I would never involve myself in such a cover-up," Mr. Marchetti said. "I never was approached and I would never stand by and see the agency take a bum charge by people guilty of greater evils."

He defined "plausible deniability" as the procedure that permits a Government agency to deny involvement in an operation in which the participants may have been caught or the operation in some way exposed or compromised.

NEW YORK TIMES
21 May 1973

Watergate and the Europeans

By FLORA LEWIS
Special to The New York Times

PARIS, May 20—The Watergate affair has provoked many questions about how other world leaders plan to deal with President Nixon in a series of coming meetings.

President Pompidou of France is to meet Mr. Nixon at the end of this month. And the Soviet Communist party leader, Leonid I. Brezhnev, will be calling at the White House in June. Top officials in Europe are well aware of Mr. Nixon's domestic troubles, and it is natural that Americans are concerned that the situation may affect foreign relations. But, in fact, every capital is the center of its own world. To each, foreign affairs really amount to how other countries are going to respond to its problems, its hopes, its fears.

A check of several European capitals has made clear that so far, at least, the Watergate affair has made little or no difference in government plans for dealing with the United States, and with President Nixon personally.

A French official laughed at a report that Chancellor Willy Brandt of West Germany had mentioned "domestic difficulties" with sympathy to President Nixon, and said that President Pompidou would never be so awkward as even to refer to the scandal in conversation with the American leader.

Specific Interests Pursued

Protocol is the least of the matter, however. The key point is that other countries have specific interests to pursue with the United States. The most important ones are medium- and long-term interests fairly likely to outlast any administration, and leaders are also well aware that they are dealing with the United States, not just its current President.

Personalities do matter, of course, and unless they are bitter enemies, heads of government tend to form a kind of club with fraternal feelings of compassion when a member is undergoing a bit of nasty business in his own backyard.

But governments do not judge their national interest on such bases, and it is essentially their view of national interests that engage government leaders when they meet.

Thus, in France, preparation for the Nixon-Pompidou meeting is concentrated almost en-

Leaders' Plans for Dealing With U.S. Little Affected

tirely on coming trade and money negotiations, which will not reach a real bargaining stage until next year and a time of decision perhaps for several years.

Paris is getting tough again about the United States, but it has nothing to do with Washington's domestic political distress. It does have to do with President Nixon, because the French Government suspects that his policy in the economic negotiations is aimed at shoring up United States exports and the dollar at Western Europe's expense.

French Policy Shifting

There appears to be another subtle evolution of French policy at present, more strongly Gaullist than two or three years ago in terms of refusing concessions to the United States, less so in terms of strengthening the European Community.

The proposal of a "new Atlantic charter" by Henry A. Kissinger, President Nixon's adviser on national security, has provoked irritation, when not downright derision, from France. The official view here is that the United States has been put down somewhat from its brief tenure as lion-king of the world of nations as a result of basic economic, technological and political developments.

In that view, this is all to the good and Europe should take care not to be maneuvered into a position of bolstering the United States back up on top.

That is not the view in London, which still places much more value on Atlantic partnership, nor in Bonn, which feels a need for good support from the United States as well as from Western Europe to counterbalance the tug of its new relationship with the Soviet Union.

Italy has no outstanding problems with the United States, so Rome does not bother itself about the effectiveness of the Nixon Administration as a result of the Watergate affair. But Rome also appears to be undergoing a policy evolution toward greater detachment from the United States and more involvement with the European idea, a considerably diluted version of the French trend.

The Common Market's plans for "regional" policies, in which Italy's partners might be expected to contribute substantially to Italy's impoverished south, is a key factor in this.

In all the chancelleries of Western Europe, in any case, there is a certain sophistication about the fall of governments. They operate on the parliamentary system, election dates are flexible and they assume that the bureaucracy will carry on and the system will provide government whether or not leaders have the power and will to lead.

The Netherlands finally got a new government a few weeks ago after nine months without one. Asked how the country had gotten along, a high Dutch official said comfortably, "Oh, this country is so well managed it doesn't need to be governed."

The European feeling is that the United States, which has seen a very drastic shift of internal power from the legislature to the Presidency in two generations, might as easily see a reverse shift without losing its ability to operate in the international arena.

How Will Congress React?

The one question that does bother other leaders about President Nixon's position is how it will affect his ability to get the legislation they want from Congress.

Representatives from Cambodia and South Vietnam do worry whether the President's loss of authority in Congress will diminish his ability to deliver the United States aid and support they want. Reports from Moscow indicate that Mr. Brezhnev is concerned about extension of most-favored-nation tariff treatment to the Soviet Union, which has been expected from Congress by this fall at the latest.

Not only Soviet but other East European Communists have, apparently quite earnestly, expressed suspicion that the whole Watergate affair was really a right-wing plot to sabotage Mr. Nixon's policy of new agreements with the Soviet Union.

That is an extreme example of the truism that in foreign affairs leaders tend to look at others through their own prism. But to a degree, the principle holds generally that it is not the man on the other side of the summit table or what his compatriots think of him that matters to foreign negotiators; it is what he can and will deliver when it comes time to deal.